Supreme Court, U.S.
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APR 8 1989
JOSEPH F. SPANIOL, JR.
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No. 88-1484

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1988

STATE OF HAWAII,

Petitioner,

v.

PROKO INDUSTRIES INC., *et al.*,

Respondents.

BRIEF OF RESPONDENT, PROKO INDUSTRIES, INC., IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

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85pp

COUNTERSTATEMENT OF THE QUESTION PRESENTED

Did the Court of Appeals err in concluding that the order entered by the district court on March 4, 1988 did not enlarge the time to appeal from the order entered on July 21, 1987 where the July order was properly certified as a final order pursuant to Fed. R. Civ. P. 54(b) and where the March order did not substantively change or alter the previously entered order?

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Respondent Proko Industries, Inc.[1] respectfully requests that the State of Hawaii's Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit be denied and offers as reasons therefore, the following:

COUNTERSTATEMENT OF THE CASE

Respondent Proko Industries, Inc. ("Proko"), was one of approximately fifty defendants in a class action still pending before the United States District Court for the Eastern District of Pennsylvania. The action was

1. Proko Industries, Inc. is the wholly-owned subsidiary of RPM Inc., which is a publicly held company.

filed on behalf of all public and private schools which sought to recover from asbestos manufacturers the cost of removing asbestos from buildings owned or operated by the schools. A tentative settlement agreement, reached in March, 1986 between Proko and Owens-Illinois, Inc. ("O-I"), and counsel for the plaintiff-class, was preliminarily approved by the district court in June, 1986.

The district court's preliminary approval of the Proko/O-I settlement contemplated the giving of notice and an opportunity to opt out by members of the Settlement Class as defined in the agreement as well as the scheduling of a hearing for the district court to determine whether to approve the settlement.

In March, 1987, the district court ordered that notice be sent to the Settlement Class and approved the form of notice. Inadvertently, the approved notice to the Settlement Class was internally inconsistent in that it contained two different deadlines for requesting exclusion from the Settlement Class and two different dates for the date of the approval hearing. *See* Pretrial Order No. 84 at Petitioner's Appendix ("Pet. App.") 149a-173a, and *cf.* 149a *with* 165a (hearing dates) and 170a *with* 173a (opt-out deadline).

Prior to mailing the notice, the inconsistency was brought to the attention of the district court by the parties, and the necessary corrections were made by the district court. *See* Pre-Trial Order No. 85 at Pet. App. 134a-146a and 187a-188a. The correct notices were mailed to 36,245 members of the Settlement Class, including at least six public school districts in Hawaii between April 16 and 24, 1986. *See* Pet. App. 101a-120a.

The notice mailed to the Settlement Class provided that requests for exclusion had to be postmarked not later than June 22, 1987, Pet. App. 143a and 145a, and that the approval hearing would be held on July 21, 1987. Pet. App. 134a. As of July 17, 1987, 357 requests for exclusion postmarked on or before June 22, 1987 had

been received; eight requests postmarked after that date also had been received. *See* Affidavit of David Berger and Exhibits attached thereto at Respondent's Appendix ("Res. App.") 1-66. At the approval hearing, counsel for Proko advised the district court that there would be no objection if the district court were to exclude from the Settlement Class those eight schools and school districts from which untimely requests had been received as of July 21, 1987. *See* Hearing of July 21, 1987, N.T. 30-32 at Res. App. 67-68.

Following that hearing, on July 21, 1987, Pretrial Order No. 88 (the "July Order") was entered which provided, ***inter alia,*** that all school districts which had filed a request to be excluded as of July 21, 1987 would be excluded from the Settlement Class. Pet. App. 5a-9a. Thus, the district court extended the deadline for submitting requests for exclusion from the Settlement Class by approximately one month.

Relying upon the July Order, the Settlement Class as defined therein, and the requests for exclusion which had been received, Proko and O-I did not exercise their right as set forth in the settlement agreement to abrogate the settlement.[2] The settlement became final and binding upon Proko and O-I as well as upon the Settlement Class (subject, of course, to the filing of an appeal from the July Order within thirty days — which did not occur).

By request dated July 31, 1987, the State of Hawaii sought exclusion from the Settlement Class. Recognizing that the time for requesting exclusion had expired, Hawaii's request stated that "[s]hould it be necessary to do so, the Department of the Attorney General will seek an order from the above-captioned court permitting the

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2. Paragraph 16 of the settlement agreement permits Proko and O-I to withdraw from the agreement if there are a substantial number of opt-outs. Withdrawal by either Proko or O-I would render the agreement null and void as to the withdrawing defendant(s).

public schools of Hawaii to opt out of the Settlement Class." Pet. App. 174a-176a. By letter dated August 13, 1987, counsel for O-I provided the State of Hawaii with a copy of Pretrial Order No. 88 approving the settlement and indicated that O-I would oppose any attempt on behalf of Hawaii schools to opt out on the basis of the untimely filed request for exclusion. Pet App. 177a-180a. This letter was received by Hawaii on August 17, 1987.

The State of Hawaii did not request relief by the district court from the express provisions of the July Order, nor did it appeal from the Order despite the provision that the Order constituted a final judgment under Fed. R. Civ. P. 54(b). The appeal period expired on August 21, 1987.

On November 13, 1987, Proko and O-I filed a Motion to Amend Pretrial Order No. 88. Pet. App. 80a-87a. The sole purpose of the amendment was to attach to the July Order a list which counsel for the plaintiff-class, counsel for Proko and counsel for O-I agreed contained the names and addresses of all schools and school districts whose requests for exclusion were postmarked on or before July 21, 1987. That list did not include any public school district in Hawaii.

The State of Hawaii, which had been silent for four months, sought to challenge the motion. But, it did not and could not contend that the Settlement Class defined in Pretrial Order No. 88 was being misconstrued or that it had submitted a timely request for exclusion. Instead, the State of Hawaii sought (but did not move for) new and special relief from the clear and unambiguous terms of the July Order.

The Honorable James McGirr Kelly of the United States District Court for the Eastern District of Pennsylvania granted the motion of Proko and O-I to amend without the modification suggested by Hawaii in its opposition. Hawaii appealed the district court's decision, and the Court of Appeals for the Third Circuit correctly

dismissed the appeal on the basis that Hawaii's notice of appeal was untimely. Pet. App. 1a-4a.

REASONS FOR DENYING THE WRIT

If certiorari were granted in this case, the threshold and paramount issue before this Court would be whether the Third Circuit erred in dismissing the appeal of the State of Hawaii on the ground that its notice of appeal was untimely. This issue, however, does not present any special and important reason which would warrant granting the Petition for Writ of Certiorari. The Petition accordingly should be denied.

On July 21, 1987, the district court granted final approval to a class action settlement involving Proko and O-I. This order was amended at their request on March 4, 1988 for the sole purpose of identifying by name those entities whose request for exclusion from the settlement class was postmarked on or before July 21, 1987. This listing did not alter, amend or otherwise change the definition of the Settlement Class or those entities excluded therefrom as set forth in the July Order. The State of Hawaii filed a notice of appeal on March 28, 1988.

The Third Circuit thereafter concluded that Hawaii's appeal called into question the July Order, rather than the March 4, 1988 amendment to that Order. Rejecting Hawaii's argument that the period within which an appeal must be taken began to run from the date of the amendment, *i.e.,* March 4, 1988, the Third Circuit held that Hawaii's notice of appeal was untimely and dismissed the appeal.

The decision of the Third Circuit can be viewed as consisting of two components. First, the court was required to ascertain the applicable legal principles by which it would determine whether the amendment would cause the time period to begin to run anew. In that context, the rationale of the Third Circuit is in

harmony with the spirit, intent and literal language of the decision of this Court in *FTC v. Minneapolis-Honeywell Regulator Company,* 344 U.S. 206 (1952). Hawaii has not suggested that the rationale of the Third Circuit conflicts with any applicable decision of this Court or another federal court of appeals.

Second, the Third Circuit was required to apply those legal principles to the March 4, 1988 amendment to determine whether the amendment merely revised the July Order in a manner which was immaterial to questions raised by Hawaii's appeal. Given the limited nature of the amendment, the Third Circuit's determination concerning the immateriality of the amendment does not constitute a departure from the accepted and usual course of judicial proceedings so as to warrant an exercise of this Court's power of supervision.

1. There is no Case or Controversy Because the Court of Appeals for the Third Circuit Properly Dismissed the State of Hawaii's Appeal as Untimely.

Under the limitations period imposed by Fed. R. App. P. 4(a), Hawaii's appeal is timely only if the March amendment to the order entered in July extended the time within which to appeal. The Third Circuit properly held that it did not. The March order did not disturb or revise any legal rights and obligations which had been decided, it did not in any way challenge the July order; and it did not suspend the finality of that order. The March amendment did no more than ask the court to identify by name those entities which had previously requested exclusion from the Settlement Class on or before July 21, 1987.

The July 21, 1987 hearing was held before the district court to determine whether the proposed partial settlement between the plaintiff-class and Proko and O-I should be approved. On that date, the district court entered Pretrial Order No. 88 which approved the partial

settlement. Paragraph 1 of this Order defined the Settlement Class as follows:

> The members of the Settlement Class referenced hereinafter consist of all schools as defined in Pretrial Order No. 64, excluding all schools which filed a request to be excluded as of July 21, 1987 from the Settlement Class pursuant to Fed. R. Civ. P. 23(c)(2).[3]

Within a matter of days, Hawaii became aware that it had missed the deadline for opting out of the Settlement Class. *See* Declaration of David Waters at Pet. App. 147a-149a. Nevertheless, on July 31, 1987, Hawaii sent in its request for exclusion from the Settlement Class. In this request, Hawaii set forth its reasons as to why the opt-out deadline should be extended to include Hawaii's untimely request. Moreover, this request stated that "[s]hould it be necessary to do so, the Department of the Attorney General will seek an order from the above-captioned court permitting the public schools of Hawaii to opt out of the Settlement Class." Pet. App. 174a-175a.

By letter dated August 13, 1987, counsel for O-I advised Hawaii that its request for exclusion was untimely. Pet. App. 177a-180a. This letter was received by Hawaii on or about August 17, 1987 which was within the time period for appealing the July Order. Although

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3. Pretrial Order No. 64 defined the class as:
All entities which own or operate in whole or in part any public educational facilities, as defined in Section 198(a)(1) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. Section 2854, throughout the United States: and all entities which own or operate in whole or in part any non-public, non-profit elementary or secondary educational facilities, including entities with religious affiliations, in the United States, to the extent that such non-profit entities are owned or operated by one or more non-profit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

class members had standing to appeal the July Order[4] and, in fact, Hawaii had stated in its untimely request for exclusion that it would "seek an order," it took no action.

On November 13, 1987, after determining that 353 schools had submitted timely requests for exclusion, Proko and O-I filed their Motion to Amend Pretrial Order No. 88. Contrary to Hawaii's assertions, Proko and O-I were not requesting that the district court substantively alter the July Order but were merely requesting that this Order be amended to include a list of the school districts which had timely opted out of the Settlement Class. Proko and O-I requested that Paragraph 1 of the Order be amended as follows:

> The members of the Settlement Class referenced hereinafter consist of all schools as defined in Pretrial Order No. 64, excluding all schools which filed a request to be excluded as of July 21, 1987 from the Settlement Class pursuant to Federal Rule of Civil Procedure 23(c)(2). *A list of all schools and school districts whose request for exclusion from the Settlement Class was postmarked on or before July 21, 1987 is attached hereto as Attachment "1."* (emphasis represents the suggested amendment).

On March 4, 1988, the district court entered Pretrial Order No. 109 which granted Proko's and O-I's motion. Hawaii appealed this amendment by calling into question, not the amendment itself but, rather, the underlying July Order approving the settlement.

This Court has held that the mere fact that a judgment which has been previously entered has been revised in an immaterial way does not toll the time

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4. *In re General Motors Corp. Engine Interchange Litigation*, 594 F.2d 1106 (7th Cir.) *cert. denied, Oswald v. General Motors Corp.*, 444 U.S. 870 (1979); *Ace Heating & Plumbing Co. v. Crane Co.*, 453 F.2d 30 (3d Cir. 1971).

within which review must be sought. *FTC v. Minneapolis-Honeywell Regulator Co.,* 344 U.S. 206, 211 (1952). In addition, if the second judgment does no more than make a clerical change, the time for filing an appeal does not start to run from the entry of the second judgment. *Cornist v. Richland Parish School Board,* 479 F.2d 37, 39 (5th Cir. 1973) *citing Department of Banking v. Pink,* 317 U.S. 264 (1942), *reh'g denied,* 318 U.S. 802 (1943). Thus, the Third Circuit properly held that the appeal was untimely. The March order did not challenge or change any matters of substance such that the time for appeal began to run anew. Hawaii is now seeking the relief it could have and should have sought earlier but failed to do so.

Proko negotiated a settlement agreement with the plaintiff-class. A primary purpose for negotiating a settlement was to enable Proko to achieve certainty and finality regarding the nature and extent of its participation in the class action. Prior to achieving that certainty, Proko reserved the right to abrogate the settlement if, in its judgment, an inordinately high number of class members excluded themselves from the Settlement Class. This did not occur and Proko has now obligated itself to the settlement. The attempt of Hawaii to exclude itself after the deadline is contrary to the doctrines of fundamental fairness and the notion of the finality of judgments. A time must come when the Settlement Class becomes fixed. That time was July 21, 1987. The State of Hawaii, having failed to request exclusion by that date, must remain in the Settlement Class and be bound by the terms of Pretrial Order No. 88.

CONCLUSION

Based on the facts of this case, the Court of Appeals for the Third Circuit appropriately considered and correctly dismissed Hawaii's appeal as untimely. The March 4, 1988 Order from which Hawaii appeals and

which amended the July 1987 Order to include a list of all schools which had filed timely requests did not extend the time in which to appeal the July Order. Accordingly, this Honorable Court should deny the Petition for a Writ of Certiorari.

Respectfully submitted:

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Counsel for Respondent
PROKO INDUSTRIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that three copies of the foregoing Brief of Respondent Proko Industries, Inc. in Opposition to Petition for Writ of Certiorari were served on counsel at the addresses below by United States mail, first-class postage prepaid, pursuant to Supreme Court Rule 28.3:

David Waters, Esquire
Deputy Attorney General
State of Hawaii
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Suite 614
Honolulu, Hawaii 96813

David Berger, Esquire
1622 Locust Street
Philadelphia, PA 19103

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Suite 200
227 South 6th Street
Philadelphia, PA 19102

Daniel J. Ryan, Jr., Esquire
1515 Locust Street
Philadelphia, PA 19102

Gita F. Rothschild, Esquire
McCarter & English
550 Broad Street
Newark, New Jersey 07102-4578

STEVEN R. WAXMAN

APPENDIX

DAVID BERGER ATTORNEYS AT LAW
1622 LOCUST STREET
PHILADELPHIA, PENNSYLVANIA 19103
(215) 875-3000
TELEX 834-309
TELECOPIER (215) 875-3025

July 17, 1987

WRITER'S DIRECT
DIAL NUMBER:
(215) 875-3030

HAND DELIVER

Honorable James McGirr Kelly
United States District Court
Eastern District of Pennsylvania
8614 United States Courthouse
601 Market Street
Philadelphia, PA 19106

Re: In re Asbestos School Litigation
Master File No. 83-0268

Dear Judge Kelly:

We are enclosing herewith for your Honor's convenience three copies of the affidavit of David Berger concerning the mailing of the notice of proposed partial settlement with defendants Owens-Illinois, Inc. and Proko Industries, Inc., and the opt-outs therefrom, in connection with the hearing on Tuesday, July 21, 1987 on final approval of this settlement. Attached to each copy of the affidavit are copies of the lists of opt-outs and lists of class members for which notice was returned as undeliverable.

Also submitted with the original affidavit filed with the Clerk of the Court today was the extensive four-volume list of all 36,245 schools and school districts which were sent the settlement notice. Because of the

voluminous nature of this list of addressees, we are not providing your Honor with a courtesy copy thereof. Counsel for settling defendants have been provided with a copy of the four-volume set.

Respectfully,

Herbert B. Newberg
David Berger

DB: jk
Enc.
cc: All counsel of record

Lawrence T. Hoyle, Jr., Esq. (w/enc.)
Ralph W. Brenner, Esq. (w/enc.)
(Hand Delivery)

ASB05265-C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS SCHOOL LITIGATION	:	MASTER FILE NO. 83-0268
THIS DOCUMENT RELATES TO:	:	
ALL ACTIONS	:	

AFFIDAVIT OF MAILING AND RESPONSES TO NOTICE OF SETTLEMENT WITH DEFENDANTS OWENS-ILLINOIS, INC. AND PROKO INDUSTRIES, INC.

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF PHILADELPHIA :

DAVID BERGER, being duly sworn according to law, deposes and says that:

1. I am co-lead counsel for the plaintiff class in the above-captioned matter.

2. Pursuant to Pretrial Order Nos. 84 and 85, plaintiffs' counsel were directed to serve notice of the proposed partial settlement with defendants Owens-Illinois, Inc. and Proko Industries, Inc., preliminarily approved in Pretrial Order No. 64, upon all members of the class as defined in Pretrial Order No. 64.

3. Pursuant to the above Pretrial Orders, I contracted with a printing concern, Smith, Edwards, Dunlap Co., for the dissemination of the settlement

notice (Exhibit "A") to all 36,245 class member-schools, as identified in the four-volume list submitted herewith.

4. Between April 16 and April 24, 1987, Smith, Edwards, Dunlap sent to each member of the plaintiff class, by first-class mail, postage prepaid, a copy of said settlement notice.

5. Pursuant to Pretrial Order No. 84, I caused to be established and maintained a post office box, PO Box 2179, to which all requests for exclusion from the above settlement class were to be returned.

6. As of July 15, 1987, 357 schools or school districts, including eight schools with exclusion requests postmarked after June 22, 1987, had filed exclusion request forms which were received either in the above-referenced post office box or by class counsel via the Clerk of the Court.

7. The alphabetical list of all 357 schools and school districts opting out from the settlement class is attached (Exhibit "B"), as is an alphabetical list of all *private* school opt-outs (Exhibit "C"), an alphabetical list of all *public* school opt-outs (Exhibit "D"), and an alphabetical list of the schools and school districts for which the notice was returned by the U.S. Postal Service as undeliverable (Exhibit "E").

8. The fifth list attached hereto (Exhibit "F") consists of the eight schools or school districts which are contained in the larger opt-out lists but which filed exclusion request forms postmarked after June 22, 1987.

9. Plaintiffs' counsel have no objection to the Court's considering the eight schools with exclusion request forms postmarked after June 22, 1987 as having filed timely exclusion requests.

/s/ DAVID BERGER
David Berger

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 11TH DAY
OF JULY, 1987.

/s/ JEAN KIMELHEIM
JEAN KIMELHEIM
Notary Public, Phila., Phila. Co.
My Commission Expires April 5, 1988

ASB05265

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS SCHOOL LITIGATION	MASTER FILE NO. 83-0268
THIS DOCUMENT RELATES TO: ALL ACTIONS	

NOTICE OF PROPOSED PARTIAL SETTLEMENT OF CLASS ACTION, CERTIFICATION OF TEMPORARY SETTLEMENT CLASS, AND SETTLEMENT HEARING RELATING TO SCHOOL ASBESTOS CLAIMS

This Notice is being issued to advise you that the Court has scheduled a hearing on July 21, 1987 at 10:00 a.m. in Courtroom 8A of the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, to consider whether to approve a partial settlement with two of the defendants named in this litigation (the "Litigation"). The purpose of this Notice is to provide you with information so that, as a possible member of the class which may be affected by the partial settlement of this action, you may make an informed decision with respect to your participation in that partial settlement. These matters are described in more detail below.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED BY LEGAL PROCEEDINGS IN THIS LITIGATION.

THIS NOTICE AND THE OPPORTUNITY TO OPT OUT INCLUDED HEREIN RELATES ONLY TO THE *SETTLEMENT* CLASS (THE "SETTLEMENT CLASS") ESTABLISHED PURSUANT TO THE AGREEMENT OF SETTLEMENT WITH DEFENDANTS OWENS-ILLINOIS, INC. AND PROKO INDUSTRIES, INC. (THE "AGREEMENT"). IT IS NOT

TO BE CONFUSED WITH THE CERTIFICATION OF THE LITIGATION CLASS AS AGAINST ALL DEFENDANTS BY THE DISTRICT COURT ON SEPTEMBER 28, 1984.

FURTHER, THIS NOTICE IS NOT TO BE CONFUSED WITH THE PROOF OF CLAIM FOR PROPERTY DAMAGE CLAIMANTS WHICH MAY HAVE BEEN SENT TO YOU BY ORDER OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK IN THE MANVILLE CORPORATION BANKRUPTCY PROCEEDING. THE MANVILLE CORPORATION IS NOT A DEFENDANT IN THIS CLASS ACTION. PRESENTLY, ALL PROCEEDINGS REGARDING MANVILLE ARE BEING HANDLED BY THE BANKRUPTCY COURT.

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure. This Notice is not an expression of any opinion by this Court as to the merits of any of the claims or defenses asserted by any party in this litigation. The purpose of this Notice is to inform you of the pendency of a proposed partial settlement, and of the rights you have with respect to the proposed settlement.

BACKGROUND

1. There currently are 53 defendants involved in the Litigation. All of the defendants, including the two Settling Defendants, Owens-Illinois, Inc. ("O-I"), and Proko Industries, Inc. ("Proko"), deny that they are liable for any claims asserted by plaintiffs.

NOTICE OF PROPOSED PARTIAL SETTLEMENT OF CLASS ACTION, OF CERTIFICATION OF SETTLEMENT CLASS, AND OF SETTLEMENT HEARING

2. NOTICE IS HEREBY GIVEN THAT THE SETTLING DEFENDANTS LISTED BELOW HAVE CREATED SETTLEMENT FUNDS AGGREGATING

$4,500,000 ("FUND"), EXCLUSIVE OF INTEREST ON THE FUND, FOR SCHOOLS AND SCHOOL DISTRICTS WHICH MAY HAVE HAD INSTALLED ASBESTOS OR ASBESTOS-CONTAINING PRODUCTS IN THEIR SCHOOL BUILDINGS:

DEFENDANT	SETTLEMENT FUND CONTRIBUTION
Owens-Illinois, Inc.	$3,450,538.00
Proko Industries, Inc.	$1,039,462.00

AS OF AUGUST 7, 1986, THE FUND AGGREGATED APPROXIMATELY $4,800,000.00 AND IT CONTINUES TO EARN INTEREST.

3. Class Plaintiffs' counsel recommend Court approval of the proposed partial settlement with these defendants (the "Proposed Partial Settlement") as fair and reasonable and in the best interests of the members of the Settlement Class, in view of (1) the risks and costs of continuing the Litigation as against O-I and Proko, (2) the substantial and valuable benefits which will accrue under the terms of the Proposed Partial Settlement to those members of the Settlement Class who do not opt-out, and (3) the favorable total sum of these settlements compared to potential recoveries from the remaining non-settling defendants in the Litigation.

4. Notice also is hereby given that on June 16, 1986, pursuant to Rule 23(e) of the Federal Rule of Civil Procedure, a temporary settlement class was certified by the United States District Court for the Eastern District of Pennsylvania. This Settlement Class includes all public and non-profit private elementary and secondary schools in the United States and is defined as follows:

> All entities which own or operate in whole or in part any public educational facilities, as defined in Section 198(a)(1) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. Section 2854, throughout the United States; and all entities which own or operate in whole or in part any non-public,

non-profit elementary or secondary educational facilities, including entities with religious affiliations, in the United States, to the extent that such non-profit entities are owned or operated by one or more non-profit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

The Settlement Class has been certified for the purpose of giving this Notice to each Settlement Class member school or school district of the Proposed Partial Settlement with defendants O-I and Proko, and allow it either to exclude itself from the Settlement Class or to voice any objection to or support for the Proposed Partial Settlement. Members of the Settlement Class not excluding themselves will participate in the benefits of the Agreement, including the Fund established by it, if it is finally approved by the Court.

5. Notice also is hereby given, pursuant to Rule 23 of the Federal Rules of Civil Procedure, of an Order of the United States District Court for the Eastern District of Pennyslvania that a hearing will be held before the Honorable James McGirr Kelly, in Courtroom 8A of the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, 19106, at 10:00 a.m. on July 21, 1987 (the "Approval Hearing"), for the purpose of determining whether the Proposed Partial Settlement with O-I and Proko is fair and reasonable. At the Approval Hearing, the Court will consider whether it should approve the Agreement of Settlement dated March 26, 1986 that was entered into between plaintiffs and O-I and Proko, and partially dismiss the Litigation with respect to O-I and Proko. The Approval Hearing, once commenced, may be adjourned from time to time by the Court, without further notice.

6. At the Approval Hearing, any member of the Settlement Class who has not filed a request for exclusion from the Settlement Class, in the manner set forth below, may appear in person or by counsel and be heard to the extent allowed by the Court in support of, or in opposition to, the fairness, reasonableness and adequacy of the Proposed Partial Settlement. However, no party will be heard in opposition to the Proposed Partial Settlement and no paper or brief submitted by any such party will be accepted or considered by the Court unless, on or before June 22, 1987, such person (a) files with the Clerk of the Court notice of its intention to appear, together with a statement that indicates the basis for such opposition, and (b) serves copies thereof, and copies of any other papers or briefs it files with the Court, in person or by mail, upon each of the following attorneys:

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Counsel for Defendant
Proko Industries, Inc.

DESCRIPTION OF THE PARTIAL SETTLEMENT

I. Authorized Settlement Fund Expenditures

7. The Fund, established pursuant to the Proposed Partial Settlement, as embodied in the Agreement, is being maintained in full, subject only to such deductions or expenditures as are expressly provided in the Agreement and approved or otherwise ordered by the Court. The Fund is to be distributed to Settlement Class members or otherwise as the Court may direct upon final judicial approval of the Proposed Partial Settlement or at the conclusion of this Litigation, or is to be returned to Settling Defendants in the event that this Proposed Partial Settlement fails to obtain final judicial approval. Notice is expressly given that, subject to approval of the Court, the Fund may be dispersed in part to defray the costs of the Litigation, including such reasonable attorneys' fees as may be awarded by the Court.

8. Subject to Court approval, the plaintiffs also will be reimbursed and indemnified out of the Fund for all expenses and costs related to this Notice and incurred in the administration of the Fund.

9. Except with respect to the expenses of Notice or as otherwise expressly permitted by provisions of the Agreement and by the Court, or otherwise ordered by the Court, no distribution of the Fund is to be made until there has been a final judicial approval of the Proposed Partial Settlement pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, and until a final judgment of dismissal has been entered with respect to Settling Defendants against all plaintiffs and all members of the Settlement Class (except Opt-outs and Excluded Districts, as defined below), and an Order of the Court allowing such distribution has been entered.

II. Dismissal of the Litigation Against Settling Defendants

10. In the event of final judicial approval of the Proposed Partial Settlement, the plaintiffs, and any and all members of the Settlement Class who are not Opt-outs or Excluded Districts, will be deemed to have agreed that they will be forever barred from instituting, maintaining, or prosecuting only against O-I and Proko any of the Class Action Claims with respect to the installation, prior to September 28, 1984, of asbestos-containing material in any of the school buildings which are the subject of the Litigation, and that O-I and Proko are to be discharged from any and all responsibility with respect to such claims.

III. Reserved Rights of Settling Defendants and of the Class Members

11. CLASS PLAINTIFFS AND SETTLEMENT CLASS MEMBERS HAVE EXPRESSLY RESERVED ALL THEIR RIGHTS AND CLAIMS AGAINST ALL NON-SETTLING DEFENDANTS. THE AGREEMENT OF SETTLEMENT AND ANY COVENANT WHICH IS EXECUTED PURSUANT THERETO IS *NOT* INTENDED AND IS *NOT* TO BE CONSTRUED AS A RELEASE OR DISMISSAL BY CLASS PLAINTIFFS AND SETTLEMENT CLASS MEMBERS OF ANY CLAIMS OR RIGHTS AGAINST ANY NON-SETTLING DEFENDANT.

12. Under certain conditions, either O-I or Proko (or both) may, at their option exercised in good faith, elect to withdraw from the Agreement, whereupon the Agreement will be null and void as the defendant(s) so withdrawing (but will remain in full force and effect as to any defendant not so withdrawing).

13. The Proposed Partial Settlement of the Litigation does not include or affect claims by the School Districts of (i) Los Angeles, California, (ii) Philadelphia,

Pennsylvania, (iii) Cinnaminson, New Jersey and (iv) any other such litigation brought or contemplated against O-I or Proko in which a binding separate settlement agreement has been reached as of March 26, 1986 (collectively, the "Excluded Districts"). Any payments made by O-I or Proko to the Opt-outs or to the Excluded Districts, or to any of them, will be in addition to the settlement payments to the Settlement Class out of the Fund.

14. In the event of final judicial approval of the Proposed Partial Settlement and in the event that any Settlement Class member obtains a judgment against one or more non-settling defendants in a class action or otherwise, and those non-settling defendants obtain a judgment against one or more of the Settling Defendants for contribution or indemnity, then such Settlement Class member will be required to reduce any judgment or proportion thereof obtained from any such non-settling defendants by the proportionate amount of such judgment attributable to O-I's and Proko's sales of asbestos-containing materials and installations of such asbestos-containing materials in and to buildings owned or operated by such Settlement Class member. However, in such event, the reduction in judgment will not exceed the amount of the judgment by the non-settling defendants as against Settling Defendants, and no plaintiff or Settlement Class member will be required to pay any sums to O-I or Proko on account of any liability of O-I or Proko in any such action, nor to pay any costs or fees of O-I or Proko expended to appear in or defend any such action.

OPPORTUNITY TO OPT-OUT FROM SETTLEMENT CLASS

15. Any member of the Settlement Class who does not desire to remain a member of the Settlement Class may request exclusion therefrom by sending to Michael

E. Kunz, Clerk of the Court, United States District Court for the Eastern District of Pennsylvania, c/o P.O. Box 2179, Philadelphia, Pennsylvania, 19103, a completed Exclusion Form, as attached to this Notice. Such requests for exclusion must set forth all the information requested in the Exclusion Form. Each school or school district from which a completed request for exclusion postmarked by June 22, 1987 has been received, will be excluded.

16. *ANY PERSON EXCLUDED FROM THE SETTLEMENT CLASS WILL NOT BE ALLOWED TO OBJECT TO THE PROPOSED PARTIAL SETTLEMENT AND WILL NOT PARTICIPATE IN RECEIVING THE BENEFITS OF THE FUND OF $4,500,000.00.* If you are excluded from the Settlement Class you will not be bound by any judgment which may be entered in the Litigation as against the Settling Defendants and may pursue whatever legal remedies you may have against the Settling Defendants. If you do not request exclusion from the Settlement Class in the manner set forth above, you will be bound by whatever judgment is rendered, including any judgment entered approving the Settlement.

17. The Settlement Class and the procedure for, and consequences of, excluding yourself from the Settlement Class that is discussed above is *not* to be confused with the pending Litigation Class certified against all the defendants in these consolidated actions. FURTHER, A REQUEST FOR EXCLUSION FROM THE SETTLEMENT CLASS WILL NOT CONSTITUTE AN EXCLUSION FROM THE LITIGATION CLASS, NOR WILL PARTICIPATION IN THE SETTLEMENT CLASS PRECLUDE YOU FROM LATER EXCLUDING YOURSELF FROM THE LITIGATION CLASS.

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EXAMINATION OF PAPERS

18. The summary of certain provisions of the Agreement, and of the Proposed Partial Settlement embodied therein, which is contained in this Notice, is not intended, and should not be construed, as a complete statement of the Agreement or of the Litigation. For a more detailed statement of the matters involved in the Litigation, including the terms of the Agreement, you are referred to the papers on file under the caption, *In re Asbestos School Litigation,* Master File No. 83-0268, which may be inspected during regular business hours at the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, Pennsylvania 19106. If you have any questions about this Notice, please write to one of the Class counsel. PLEASE DO NOT DIRECT QUESTIONS TO THE COURT OR THE CLERK'S OFFICE.

PROVISION FOR ATTORNEYS' FEES AND EXPENSES

19. Upon the Court's approval of the Proposed Partial Settlement, counsel for Class Plaintiffs may apply to the Court for an award of attorneys' fees and expenses incurred in the prosecution of the Litigation with respect to O-I and Proko, to be drawn from the Settlement Fund. Class Plaintiffs also may apply to the Court for use of some or all of such an award to cover the costs of Class Plaintiffs' proceeding with the Litigation as against all of the other defendants who have not settled. In any event, any awards, and the use to be made of such awards, will be determined by the Court upon application of Class Plaintiffs.

MICHAEL E. KUNZ
Clerk of Court
United States District Court for
the Eastern District of
Pennsylvania

DATED: April 16, 1987

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS
SCHOOL LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

MASTER FILE
NO. 83-0268

REQUEST FOR EXCLUSION FROM SETTLEMENT CLASS

TO: Michael E. Kunz
Clerk of Court
P.O. Box 2179
Philadelphia, PA 19103

DO NOT COMPLETE THIS FORM IF YOU WISH TO REMAIN A MEMBER OF THE SETTLEMENT CLASS

PLEASE TAKE NOTICE THAT_____

(Print name of school, school district or other entity requesting exclusion)

(Print address)

hereby requests to be excluded from the Settlement Class with respect to the Proposed Partial Settlement with defendants Owens-Illinois, Inc. and Proko Industries, Inc.

(Date) (Signature)

(Print Name of Signator and relationship of Signator to party requesting Exclusion)

(THE DEADLINE FOR MAILING THIS COMPLETED FORM IS JUNE 22, 1987)

Michael E. Kunz
Clerk of the United States District Court for the
Eastern District of Pennsylvania
P.O. Box 2179
Philadelphia, PA 19103

DO NOT REMOVE MAILING LABEL

FIRST CLASS MAIL

EXHIBIT "B"

July 15, 1987

Asbestos School Litigation

ALL SCHOOLS ALPHABETICALLY

AIRPORT COMMUNITY SCHOOLS	MICHIGAN	06-22-87
AJO UNIFIED SCHOOL DISTRICT $15	ARIZONA	04-27-87
AKIVA HEBREW DAY SCHOOL	MICHIGAN	06-16-87
AKRON CITY SCHOOL DISTRICT	OHIO	06-03-87
ALBION PUBLIC SCHOOLS, CALHOUN & JACKSON COUNTIES	MICHIGAN	06-18-87
ALGONAC COMMUNITY SCHOOLS	MICHIGAN	06-18-87
ALL SAINTS SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-12-87
ALLEN PARK PUBLIC SCHOOLS	MICHIGAN	06-22-87
ALMONT COMMUNITY SCHOOLS	MICHIGAN	06-22-87
ALTON COMMUNITY UNIT DISTRICT #11	ILLINOIS	06-22-87
ANN ARBOR PUBLIC SCHOOLS	MICHIGAN	06-16-87
ARKANSAS CITY UNIFIED SCHOOL DISTRICT 470	KANSAS	06-11-87
ARLINGTON HEIGHTS SCHOOL DISTRICT #25	ILLINOIS	06-22-87
ARNOLD CHRISTIAN ACADEMY OF NEW COVENANT	MARYLAND	05-05-87
ATHERTON COMMUNITY SCHOOLS	MICHIGAN	06-22-87

ATKINSON COUNTY SCHOOL SYSTEM	GEORGIA	05-06-87
ATTALLA CITY SCHOOLS	ALABAMA	05-29-87
AURORA EAST PUBLIC SCHOOL DISTRICT #131	ILLINOIS	06-22-87
AUSTWELL-TIVOLI INDEPENDENT SCHOOL DISTRICT	TEXAS	05-22-87
AVONDALE SCHOOL DISTRICT	MICHIGAN	06-18-87
BACKUS SCHOOLS – INDEPENDENT SCHOOL DISTRICT #114	MINNESOTA	05-04-87
BAD AXE PUBLIC SCHOOLS	MICHIGAN	06-18-87
BAGDAD UNIFIED SCHOOL DISTRICT #20	ARIZONA	04-28-87
BANGOR PUBLIC SCHOOLS	MICHIGAN	06-18-87
BEDFORD PUBLIC SCHOOLS	MICHIGAN	06-22-87
BEECHER COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
BENTON HARBOR AREA SCHOOLS	MICHIGAN	06-22-87
BEREAN BAPTIST SCHOOL	TEXAS	04-30-87
BETHEL CHRISTIAN SCHOOL	OHIO	06-03-87
BETHLEHEM BAPTIST CHURCH AND ACADEMY	VIRGINIA	05-18-87
BISHOP C.I.S.D.	TEXAS	05-07-87
BLOOMFIELD HILLS SCHOOL DISTRICT	MICHIGAN	06-16-87
BLUE SKY SCHOOLS	MONTANA	05-08-87
BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY	MARYLAND	06-18-87

BOARD OF EDUCATION OF BALTIMORE COUNTY	MARYLAND	06-18-87
BOARD OF EDUCATION OF THE CITY OF CHICAGO	ILLINOIS	06-22-87
BOARD OF EDUCATION OF TOWNSHIP HIGH SCHOOL DISTRICT NO. 211	ILLINOIS	06-18-87
BOND COUNTY COMMUNITY UNIT SCHOOL DISTRICT #2	ILLINOIS	05-29-87
BOULDER JUNCTION, ET AL, SCHOOL DISTRICT	WISCONSIN	04-29-87
BPC DAY SCHOOL (BLACK PINE CIRCLE)	CALIFORNIA	05-04-87
BRANDON HEIGHTS CHRISTIAN SCHOOL	FLORIDA	05-12-87
BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	TEXAS	05-22-87
BRIDGEPORT-SPAULDING COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
BRISTOW I-2, CREEK COUNTY, OKLA.	OKLAHOMA	04-27-87
BRITTAN ELEMENTARY SCHOOL BRITTAN SCHOOL DISTRICT	CALIFORNIA	04-28-87
BROOKSIDE SCHOOL	MICHIGAN	06-18-87
BUCHANAN COMMUNITY SCHOOLS	MICHIGAN	06-18-87
CALEDONIA COMMUNITY SCHOOLS	MICHIGAN	06-18-87
CALVARY LUTHERAN SCHOOL	WASHINGTON	05-15-87

CENTRAL BAPTIST CHURCH – KING'S WAY CHRISTIAN ACADEMY	NEW YORK	06-18-87
CENTRAL CATHOLIC HIGH SCHOOL	OREGON	06-12-87
CENTRAL CHRISTIAN SCHOOL, INC.	PENNSYLVANIA	05-01-87
CHARLESTON COUNTY SCHOOL DISTRICT	SOUTH CAROLINA	06-03-87
CHARLOTTE PUBLIC SCHOOLS	MICHIGAN	06-18-87
CHEBOYGAN AREA SCHOOLS	MICHIGAN	06-18-87
CHILDREN'S HOUSE OF NORMAN, INC.	OKLAHOMA	05-20-87
CHRIST THE KING CHRISTIAN SCHOOL	OHIO	05-07-87
CHRIST THE KING SCHOOL	OREGON	06-12-87
CHUGACH SCHOOL DISTRICT	ALASKA	04-24-87
CINCINNATI BOARD OF EDUCATION	OHIO	06-19-87
CLARENCEVILLE SCHOOL DISTRICT	MICHIGAN	06-20-87
CLARK COUNTY CHRISTIAN SCHOOL	NEVADA	04-29-87
CLEAR FORK VALLEY LOCAL SCHOOLS	OHIO	05-29-87
COLO COMMUNITY SCHOOL	IOWA	04-29-87
COLOMA COMMUNITY SCHOOLS	MICHIGAN	06-18-87
COLORADO CITY UNIFIED SCHOOL DISTRICT NO. 14	ARIZONA	07-11-87
COLUMBUS CHRISTIAN SCHOOL	OHIO	06-11-87
COMMUNITY CONSOLIDATED SCHOOL DISTRICT #21	ILLINOIS	06-22-87

COMMUNITY CONSOLIDATED SCHOOL DISTRICT 315 PALLATINE	ILLINOIS	06-22-87
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 65	ILLINOIS	05-28-87
COMMUNITY HIGH SCHOOL DISTRICT #218 OAK LAWN	ILLINOIS	06-22-87
COMSTOCK PUBLIC SCHOOLS	MICHIGAN	06-18-87
CONSOLIDATED HIGH SCHOOL DISTRICT $230 PALOS HILLS	ILLINOIS	06-22-87
CONTINENTAL SCHOOL DISTRICT #39	ARIZONA	05-01-87
COOK COUNTY SCHOOL DISTRICT #130	ILLINOIS	06-22-87
CRANBROOK EDUCATIONAL COMMUNITY	MICHIGAN	06-18-87
CRANBROOK KINGSWOOD SCHOOL	MICHIGAN	06-18-87
CRANBROOK SCHOOL	MICHIGAN	06-18-87
CRANBROOK SCHOOLS	MICHIGAN	06-18-87
CRAWFORDSVILLE SCHOOL DISTRICT	ARKANSAS	04-27-87
CROWN OF LIFE EVANGELICAL LUTHERAN SCHOOL – HUBERTUS	WISCONSIN	06-22-87
CYPRESS FAIRBANKS INDEPENDENT SCHOOL DISTRICT	TEXAS	05-22-87
DAVIESS COUNTY PUBLIC SCHOOLS	TENNESSEE	06-03-87

DAVIS PUBLIC SCHOOLS 1-10	OKLAHOMA	04-29-87
DAVISON COMMUNITY SCHOOLS	MICHIGAN	06-18-87
DEKALB UNIT DISTRICT #428	ILLINOIS	06-22-87
DELAWARE CHRISTIAN SCHOOL	OHIO	06-19-87
DELL RAPIDS SCHOOL DISTRICT 49-3	SOUTH DAKOTA	04-27-87
DEPARTMENT OF EDUCATION OF THE CITY OF BALTIMORE	MARYLAND	06-18-87
DETROIT PUBLIC SCHOOLS	MICHIGAN	06-16-87
DIMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL		05-18-87
DIVINE REDEEMER SCHOOL	COLORADO	05-04-87
DOWAGIAC UNION SCHOOL DISTRICT	MICHIGAN	06-18-87
DOWAGIAC UNION SCHOOLS	MICHIGAN	06-22-87
DOWNERS GROVE DISTRICT #99	ILLINOIS	06-22-87
DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT #58	ILLINOIS	06-22-87
DURAND AREA SCHOOLS	MICHIGAN	06-18-87
EASTERN LANCASTER COUNTY SCHOOL DISTRICT	PENNSYLVANIA	06-02-87
ELMHURST UNIT DISTRICT #205	ILLINOIS	06-22-87
EPISCOPAL HIGH SCHOOL	VIRGINIA	04-29-87

EUREKA CHRISTIAN SCHOOL	CALIFORNIA	05-12-87
EVANSTON TOWNSHIP HIGH SCHOOL DISTRICT #202	ILLINOIS	06-22-87
EVERGREEN PARK SCHOOL DISTRICT #124	ILLINOIS	06-22-87
FAIRMOUNT PUBLIC SCHOOL	NORTH DAKOTA	04-27-87
FAITH CHRISTIAN SCHOOL	MICHIGAN	05-08-87
FAITH MENNONITE HIGH SCHOOL	PENNSYLVANIA	05-08-87
FALLON SEVENTH-DAY ADVENTIST CHURCH SCHOOL	NEVADA	04-28-87
FELLOWSHIP BAPTIST CHURCH	VIRGINIA	05-06-87
FENTON AREA PUBLIC SCHOOLS	MICHIGAN	06-22-87
FLUSHING CHRISTIAN DAY SCHOOL	NEW YORK	05-19-87
FOREST HILLS SCHOOL DISTRICT	MICHIGAN	06-19-87
FOREST LAKE CHRISTIAN SCHOOL	CALIFORNIA	05-06-87
FORT KNOX COMMUNITY SCHOOLS	KENTUCKY	06-23-87
FRANKLIN ACADEMY	ALABAMA	04-28-87
GLEN ROCK PUBLIC SCHOOLS	NEW JERSEY	05-20-87
GLENVIEW COMMUNITY CONSOLIDATED SCHOOL DISTRICT #34	ILLINOIS	06-22-87
GLENWOOD COMMUNITY SCHOOL DISTRICT	IOWA	05-11-87
GORDON COUNTY SCHOOL SYSTEM	GEORGIA	06-02-87
GORE SCHOOL DISTRICT	OREGON	05-18-87

GRACE CHRISTIAN ACADEMY SCHOOL DISTRICT #5	SOUTH CAROLINA	04-29-87
GRAND BLANC COMMUNITY SCHOOLS	MICHIGAN	06-22-87
GRAND LEDGE PUBLIC SCHOOLS	MICHIGAN	06-18-87
GRANDVIEW R-2 SCHOOL DISTRICT	MISSOURI	04-30-87
GRANDVIEW-HOPKINS ISD	TEXAS	04-28-87
GREATER FALL RIVER VOCATIONAL SCHOOL DISTRICT	MASSACHUSETTS	05-18-87
HACKBERRY ELEMENTARY SCHOOL DISTRICT #3	ARIZONA	05-19-87
HAMMON PUBLIC SCHOOL DISTRICT II-66	OKLAHOMA	04-27-87
HARPER SCHOOL DISTRICT #66	OREGON	05-12-87
HAWLEY INDEPENDENT SCHOOL DISTRICT	TEXAS	05-18-87
HEPHZIBAH WESLEYAN ACADEMY	GEORGIA	04-28-87
HIGH POINT ACADEMY	CALIFORNIA	04-29-87
HOLD CROSS SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-15-87
HOLT PUBLIC SCHOOLS	MICHIGAN	06-18-87
HOLTON PUBLIC SCHOOLS	MICHIGAN	06-18-87
HOLY CROSS LUTHERAN SCHOOL	KANSAS	05-13-87
HOLY FAMILY ELEMENTARY (PORTLAND ARCHDIOCESE)	OREGON	06-24-87
HOLY FAMILY SCHOOL	OHIO	04-30-87

HOLY NATIVITY EPISCOPAL GRADE SCHOOL	FLORIDA	05-08-87
HOLY TRINITY SCHOOL PORTLAND ARCHDIOCESE BEAVERTON SCH DIST	OREGON	06-16-87
HOMER COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
HOUSE OF THE LORD CHRISTIAN SCHOOL	TEXAS	05-22-87
IDA PUBLIC SCHOOLS	MICHIGAN	06-22-87
IMMACULATE CONCEPTION SCHOOL, ARCHDIOCESE OF WASHINGTON	DC	06-17-87
IMMANUEL LUTHERAN SCHOOL	MICHIGAN	05-19-87
INDEPENDENT SCHOOL DISTRICT #16	MINNESOTA	05-08-87
INDEPENDENT SCHOOL DISTRICT NO. 622	MINNESOTA	06-17-87
J. STERLING MORTON HIGH SCHOOL	ILLINOIS	06-16-87
JACKSON SCHOOL DISTRICT #324	MINNESOTA	05-29-87
JESUIT HIGH SCHOOL	OREGON	06-11-87
JOLIET ELEMENTARY SCHOOL DISTRICT #86	ILLINOIS	06-22-87
KEARSLEY COMMUNITY SCHOOLS	MICHIGAN	06-22-87
KENNEBEC VALLEY CHRISTIAN SCHOOL	MAINE	05-10-87
KINGSTON KORNER SCHOOL	TENNESSEE	05-06-87
KINGSWOOD SCHOOL FOR GIRLS	MICHIGAN	06-18-87
KIRKSVILLE BIBLE SCHOOL	MISSOURI	04-30-87

KNOXVILLE'S YOUNG SET SCHOOL	TENNESSEE	05-06-87
KRALLTOWN MENNONITE SCHOOL	PENNSYLVANIA	05-20-87
LA PAZ SCHOOL	CALIFORNIA	04-27-87
LAFAYETTE COUNTY SCHOOL DISTRICT	MISSISSIPPI	05-05-87
LAKE FENTON COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LAKE FOREST ELEMENTARY DISTRICT #67	ILLINOIS	06-22-87
LAKE MILLS AREA SCHOOLS	WISCONSIN	04-28-87
LAKE ORION COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LAKESHORE PUBLIC SCHOOLS	MICHIGAN	06-18-87
LAKEVILLE COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LAN-CHESTER CHRISTIAN SCHOOLS	PENNSYLVANIA	04-29-87
LANDON SCHOOL CORPORATION	MARYLAND	05-07-87
LANSING COMMUNITY SCHOOLS	MICHIGAN	06-16-87
LANSING PUBLIC SCHOOL	MICHIGAN	06-19-87
LE SUEUR PUBLIC SCHOOLS	MINNESOTA	05-20-87
LENAWEE INTERMEDIATE SCHOOL DISTRICT	MICHIGAN	06-18-87
LINDEN COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LITTLE RED SCHOOL HOUSE	TENNESSEE	05-06-87
LITTLESTOWN AREA SCHOOL DISTRICT	PENNSYLVANIA	06-16-87
LONG LAKE CENTRAL SCHOOL DISTRICT	NEW YORK	05-01-87

LORRAINE UNIFIED SCHOOL DISTRICT #328	KANSAS	05-06-87
LOS GATOS-SARATOGA JOINT UNION HIGH SCHOOL DISTRICT	CALIFORNIA	06-17-87
LOWELL AREA SCHOOLS 41-170	MICHIGAN	05-15-87
LOWNDES COUNTY BOARD OF EDUCATION	GEORGIA	05-11-87
MADELEINE SCHOOL	OREGON	06-12-87
MADISON DISTRICT PUBLIC SCHOOLS	MICHIGAN	06-18-87
MANCELONA PUBLIC SCHOOL	MICHIGAN	06-18-87
MARANATHA CHRISTIAN SCHOOL	OHIO	05-01-87
MARENGO COUNTY BOARD OF EDUCATION	ALABAMA	05-13-87
MARIAN CITY SCHOOLS	OHIO	05-08-87
MARION CITY BOARD OF EDUCATION	ALABAMA	04-29-87
MARIST HIGH SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-15-87
MARSHALL PUBLIC SCHOOLS	MICHIGAN	06-18-87
MASON PUBLIC SCHOOLS	MICHIGAN	06-18-87
MEDINAH ELEMENTARY SCHOOL DISTRICT #11	ILLINOIS	06-19-87
MEMPHIS UNIVERSITY SCHOOL	TENNESSEE	05-05-87
MIDDLE TOWNSHIP PUBLIC SCHOOLS	NEW JERSEY	06-23-87
MIDDLETOWN CITY SCHOOL DISTRICT	OHIO	05-08-87
MIDLAND SCHOOL DISTRICT 27-2	SOUTH DAKOTA	04-29-87

MILLINGTON COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
MONROE PUBLIC SCHOOLS	MICHIGAN	06-22-87
MORENCI AREA SCHOOLS	MICHIGAN	06-18-87
MOUNTAIN HOME S.D.A. SCHOOL	ARIZONA	05-11-87
MT. CALVARY LUTHERAN SCHOOL	MICHIGAN	06-16-87
NEDERLAND INDEPENDENT SCHOOL DISTRICT	TEXAS	05-06-87
NEELYVILLE R-4 SCHOOL DISTRICT	MISSOURI	05-29-87
NEW COVENANT CHRISTIAN SCHOOL	PENNSYLVANIA	04-29-87
NIXON SMILEY, C.I.S.D.	TEXAS	05-05-87
NORTH CHICAGO ELEMENTARY SCHOOL DISTRICT #124	ILLINOIS	06-22-87
NORTH KANSAS CITY SCHOOL DISTRICT 74	MISSOURI	06-11-87
NORTH MIAMI COMMUNITY SCHOOLS	INDIANA	06-11-87
NORTHFIELD TOWNSHIP HIGH SCHOOL DISTRICT #225	ILLINOIS	06-22-87
NORWOOD-FONTBONNE ACADEMY	PENNSYLVANIA	04-28-87
O'HARA CATHOLIC SCHOOL	OREGON	06-17-87
OAK PARK – RIVER FOREST SCHOOL DISTRICT 200	ILLINOIS	06-22-87
OAK PARK SCHOOL DISTRICT	MICHIGAN	06-16-87
OKEMOS PUBLIC SCHOOLS	MICHIGAN	06-18-87

OLD BRETHREN CHRISTIAN SCHOOL	INDIANA	06-22-87
ORANGE SOUTHWEST SUPERVISORY UNION	VERMONT	04-28-87
OUR LADY OF FATIMA SCHOOL	ALABAMA	04-27-87
OUR LADY OF SORROWS SCHOOL	OREGON	06-12-87
OUR LADY OF THE LAKE SCHOOL	OREGON	06-12-87
OUR SAVIOR LUTHERAN SCHOOL	ARIZONA	05-07-87
OUR SAVIOR LUTHERAN SCHOOL	ILLINOIS	06-04-87
OZARK CHRISTIAN ACADEMY – SPRINGDALE	ARIZONA	05-09-87
PANTEGO CHRISTIAN ACADEMY	TEXAS	04-28-87
PARADISE CHRISTIAN SCHOOL	NEW MEXICO	04-30-87
PARADISE CHRISTIAN SCHOOL	CALIFORNIA	04-29-87
PARK RIVER SCHOOL DISTRICT #78	NORTH DAKOTA	04-28-87
PARKERSBURG COMMUNITY SCHOOL DISTRICT	IOWA	04-29-87
PARKIN SCHOOL DISTRICT	ARKANSAS	05-04-87
PENNFIELD SCHOOLS	MICHIGAN	06-18-87
PERRINE BAPTIST ACADEMY	FLORIDA	05-20-87
PIKE COUNTY BOARD OF EDUCATION	KENTUCKY	04-30-87
PIKELAND COMMUNITY UNIT SCHOOL DISTRICT #10	ILLINOIS	05-26-87
PIONEER CHRISTIAN ACADEMY	TENNESSEE	05-13-87
PLACER HILLS UNION SCHOOL DISTRICT	CALIFORNIA	05-13-87

PLAINFIELD COMMUNITY CONSOLDIATED SCHOOL DISTRICT NO. 202	ILLINOIS	06-24-87
POMERENE ELEMENTARY SCHOOL DISTRICT #64	ARIZONA	04-29-87
PONTOTOC SEPARATE SCHOOL DISTRICT	MISSISSIPPI	07-08-87
PORCUPINE SCHOOL	ALASKA	05-01-87
PORTAGE COMMUNITY SCHOOL DISTRICT	WISCONSIN	06-03-87
POTTAWATOMIE WEST UNIFIED SCHOOL DISTRICT #323	KANSAS	05-18-87
POUGHKEEPSIE SDA SCHOOL	NEW YORK	05-07-87
PRINCE AVENUE BAPTIST CHRISTIAN SCHOOL	GEORGIA	04-29-87
QUANTICO DEPENDENTS' SCHOOL SYSTEM	VIRGINIA	06-22-87
RANDOLPH FIELD INDEPENDENT SCHOOL DISTRICT	TEXAS	05-13-87
RED BANK REGIONAL HIGH SCHOOL	NEW JERSEY	05-05-87
REETHS-PUFFER SCHOOLS	MICHIGAN	06-18-87
REGIS HIGH SCHOOL (ARCHDIOCESE OF PORTLAND)	OREGON	06-15-87
ROEPER CITY & COUNTRY SCHOOL	MICHIGAN	06-16-87
ROSE HILL CHRISTIAN SCHOOL	KENTUCKY	04-28-87
RUSSELLVILLE CITY SCHOOLS	KENTUCKY	05-13-87
SACRED HEART SCHOOL	OREGON	06-15-87

SACRED HEART SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-19-87
SAGINAW TOWNSHIP COMMUNITY SCHOOLS	MICHIGAN	06-18-87
SAND CREEK COMMUNITY SCHOOLS	MICHIGAN	06-18-87
SANDUSKY COMMUNITY SCHOOLS	MICHIGAN	06-18-87
SCHOOL CITY OF HOBART	INDIANA	05-14-87
SCHOOL DISTRICT OF THE CITY OF ADRIAN	MICHIGAN	06-18-87
SCHOOL DISTRICT OF THE CITY OF EAST DETROIT	MICHIGAN	06-19-87
SCHOOL DISTRICT OF THE CITY OF FERNDALE	MICHIGAN	06-16-87
SCHOOL DISTRICT OF THE CITY OF FLINT	MICHIGAN	06-16-87
SCHOOL DISTRICT OF THE CITY OF ROYAL OAK	MICHIGAN	06-16-87
SCHOOL DISTRICT OF THE CITY OF SAGINAW	MICHIGAN	06-16-87
SCHOOL OF ST. PETER	MINNESOTA	05-05-87
SKOKIE SCHOOL DISTRICT #69	ILLINOIS	06-22-87
SMITHTON COMMUNITY CONSOLIDATED SCHOOL DISTRICT #130	ILLINOIS	05-21-87
SOUTH HADLEY PUBLIC SCHOOLS	MASSACHUSETTS	05-14-87
SOUTH HAVEN PUBLIC SCHOOLS	MICHIGAN	06-10-87
SOUTH TAMA COUNTY COMMUNITY SCHOOL DISTRICT	IOWA	04-28-87

SOUTHBRIDGE PUBLIC SCHOOLS	MASSACHUSETTS	05-06-87
SOUTHERN TIER SEVENTH-DAY ADVENTIST SCHOOL	NEW YORK	05-05-87
SOUTHWESTERN CHRISTIAN SCHOOL	CALIFORNIA	05-08-87
ST. AGATHA SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-16-87
ST. ANTHONY SCHOOL	OREGON	04-27-87
ST. ANTHONY SCHOOL 23J	OREGON	06-12-87
ST. AUGUSTINE SCHOOL, BARBERTON SCHOOL DISTRICT	OHIO	04-28-87
ST. CATHERINE OF SIENA SCHOOL	ILLINOIS	06-05-87
ST. CHARLES BORROMEO SCHOOL	WISCONSIN	05-11-87
ST. CHARLES PARISH PUBLIC SCHOOLS	LOUISIANA	05-13-87
ST. CLARE SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-20-87
ST. ELIZABETH SETON	FLORIDA	06-16-87
ST. FRANCIS OF ASSISI SCHOOL	OREGON	06-12-87
ST. FRANCIS OF ASSISI SCHOOL	OREGON	06-16-87
ST. IGNATIUS SCHOOL	OREGON	06-12-87
ST. ISIDORE ELEMENTARY SCHOOL – EAST BATON ROUGE PARISH	LOUISIANA	04-29-87
ST. JOHN FISHER SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-15-87

ST. JOHN'S EPISCOPAL SCHOOL	TEXAS	05-12-87
ST. JOHN'S LUTHERAN SCHOOL	ILLINOIS	05-01-87
ST. JOHNS PUBLIC SCHOOLS	MICHIGAN	06-18-87
ST. JOSEPH PUBLIC SCHOOLS	MICHIGAN	06-18-87
ST. JOSEPH SCHOOL	MICHIGAN	04-29-87
ST. JOSEPH SCHOOL	WISCONSIN	06-03-87
ST. JOSEPH – ROSEBURG DISTRICT #4	OREGON	06-15-87
ST. JOSEPH'S EPISCOPAL SCHOOL – DIOCESE OF SOUTHEAST FLORIDA	FLORIDA	05-05-87
ST. JOSEPH'S SCHOOL	FLORIDA	05-05-87
ST. LOUIS PUBLIC SCHOOLS	MICHIGAN	06-18-87
ST. LUKE'S EPISCOPAL DAY CHURCH	ARIZONA	04-28-87
ST. LUKE'S SCHOOL	OREGON	06-12-87
ST. MARK LUTHERAN SCHOOL	NEBRASKA	06-04-87
ST. MARTIN'S ACADEMY	SOUTH DAKOTA	06-18-87
ST. MARY CATHOLIC SCHOOL	PENNSYLVANIA	05-22-87
ST. MARY OF THE VALLEY GRADE SCHOOL	OREGON	06-12-87
ST. MARY OF THE VALLEY HIGH SCHOOL	OREGON	06-15-87
ST. MARY SCHOOL	WISCONSIN	05-06-87
ST. MARY'S ACADEMY	OREGON	06-17-87

ST. MARY'S HIGH SCHOOL	OREGON	06-12-87
ST. MARY'S SCHOOL	OREGON	06-12-87
ST. MATTHEW'S SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-20-87
ST. PAUL CATHOLIC SCHOOL 4J	OREGON	07-01-87
ST. PAUL LUTHERAN CHURCH AND SCHOOL	WISCONSIN	05-11-87
ST. PAUL LUTHERAN SCHOOL	SOUTH DAKOTA	05-29-87
ST. PAUL PAROCHIAL SCHOOL	OREGON	06-16-87
ST. PAUL'S LUTHERAN CHURCH	OHIO	06-11-87
ST. PIUS IV CATHOLIC SCHOOL	FLORIDA	04-29-87
ST. PIUS X SCHOOL PORTLAND CATHOLIC ARCHDIOCESE	OREGON	06-22-87
ST. STEPHEN'S ELEMENTARY SCHOOL	OREGON	06-16-87
ST. SYLVESTER CENTRAL GRADE SCHOOL	OHIO	05-05-87
ST. TERESA SCHOOL	MISSOURI	04-29-87
ST. THERESE SCHOOL	OREGON	06-12-87
ST. VINCENT ACADEMY	NEW JERSEY	06-19-87
ST. VINCENT DE PAUL SCHOOL	OREGON	06-12-87
STAR OF THE SEA SCHOOL	OREGON	06-12-87
STARKWEATHER SCHOOL DISTRICT	NORTH DAKOTA	04-28-87

SUSSEX COUNTY VOCATIONAL HIGH SCHOOL DISTRICT	NEW JERSEY	05-13-87
TEAGUE INDEPENDENT SCHOOL DISTRICT	TEXAS	04-27-87
TEUTOPOLIS COMMUNITY UNIT DISTRICT 50	ILLINOIS	05-11-87
THE BOARD OF EDUCATION OF THE CITY SCHOOL DIST. OF THE CITY OF N.Y.	NEW YORK	06-17-87
THE CITY OF BOSTON, THE BOSTON SCHOOL COMMITTEE, ET AL	MASSACHUSETTS	06-22-87
THE LAMPHERE SCHOOLS	MICHIGAN	06-24-87
THE LIVING WORD CHRISTIAN SCHOOL INC	COLORADO	06-11-87
THE SCHOOL AT JEMICY FARM, INC.	MARYLAND	06-03-87
THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI	MISSOURI	06-18-87
THE STANFORD SCHOOL	WASHINGTON	05-06-87
THE VALLEY CHRISTIAN SCHOOL, INC.	MASSACHUSETTS	05-13-87
THREE RIVERS COMMUNITY SCHOOLS	MICHIGAN	06-18-87
TINLEY PARK CONSOLIDATED SCHOOL DISTRICT #146	ILLINOIS	06-22-87
TIPTON COMMUNITY SCHOOL	IOWA	04-27-87
TOWNSHIP HIGH SCHOOL DISTRICT 214	ILLINOIS	06-15-87
TRAVERSE CITY AREA PUBLIC SCHOOLS	MICHIGAN	06-16-87

TRI-COUNTY SCHOOL CORPORATION OF BENTON, JASPER & WHITE COUNTIES	INDIANA	06-22-87
UNIFIED SCHOOL DISTRICT NO 501, SHAWNEE COUNTY	KANSAS	06-18-87
UNION PUBLIC SCHOOLS	OKLAHOMA	06-11-87
UNITED COMMUNITY SCHOOL DISTRICT	IOWA	05-06-87
UNIVERSITY SCHOOL OF NASHVILLE	TENNESSEE	05-05-87
UPWARD S.D.A. SCHOOL	NORTH CAROLINA	05-12-87
UTICA COMMUNITY SCHOOLS	MICHIGAN	06-18-87
VAN BUREN COMMUNITY SCHOOLS	MICHIGAN	06-22-87
VAN BUREN PUBLIC SCHOOLS	MICHIGAN	06-19-87
VISITATION SCHOOL	OREGON	06-12-87
WACKEGAN COMMUNITY UNIT DISTRICT #60	ILLINOIS	06-22-87
WARREN CONSOLIDATED SCHOOLS	MICHIGAN	06-18-87
WASHINGTON AVENUE CHRISTIAN SCHOOL	SOUTH CAROLINA	05-27-87
WATERLOO COMMUNITY SCHOOLS	IOWA	05-05-87
WATERLOO LOCAL SCHOOLS	OHIO	05-11-87
WEST BLOOMFIELD SCHOOLS	MICHIGAN	06-22-87
WEST VALLEY CHRISTIAN ELEMENTARY SCHOOL	ARIZONA	05-07-87
WEST VALLEY NAZARENE CHURCH		05-07-87

WILLOW RANCHO CHRISTIAN PRESCHOOL AND ELEMENTARY SCHOOL	CALIFORNIA	04-29-87
WOODSTOCK COMMUNITY UNIT SCHOOL DISTRICT #200	ILLINOIS	06-18-87
WYOMING PUBLIC SCHOOLS	MICHIGAN	06-18-87
ZEELAND PUBLIC SCHOOLS	MICHIGAN	05-12-87
ZION LUTHERAN SCHOOL	ILLINOIS	05-05-87

EXHIBIT "C"

July 15, 1987

Asbestos School Litigation

ALL PRIVATE SCHOOLS, ALPHABETICALLY

AKIVA HEBREW DAY SCHOOL	MICHIGAN	06-16-87
ALL SAINTS SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-12-87
ARNOLD CHRISTIAN ACADEMY OF NEW COVENANT	MARYLAND	05-05-87
BEREAN BAPTIST SCHOOL	TEXAS	04-30-87
BETHEL CHRISTIAN SCHOOL	OHIO	06-03-87
BETHLEHEM BAPTIST CHURCH AND ACADEMY	VIRGINIA	05-18-87
BPC DAY SCHOOL (BLACK PINE CIRCLE)	CALIFORNIA	05-04-87
BRANDON HEIGHTS CHRISTIAN SCHOOL	FLORIDA	05-12-87
CALVARY LUTHERAN SCHOOL	WASHINGTON	05-15-87
CENTRAL BAPTIST CHURCH – KING'S WAY CHRISTIAN ACADEMY	NEW YORK	06-18-87
CENTRAL CATHOLIC HIGH SCHOOL	OREGON	06-12-87
CENTRAL CHRISTIAN SCHOOL, INC.	PENNSYLVANIA	05-01-87
CHILDREN'S HOUSE OF NORMAN, INC.	OKLAHOMA	05-20-87
CHRIST THE KING CHRISTIAN SCHOOL	OHIO	05-07-87
CHRIST THE KING SCHOOL	OREGON	06-12-87

CLARK COUNTY CHRISTIAN SCHOOL	NEVADA	04-29-87
COLUMBUS CHRISTIAN SCHOOL	OHIO	06-11-87
CROWN OF LIFE EVANGELICAL LUTHERAN SCHOOL – HUBERTUS	WISCONSIN	06-22-87
DELAWARE CHRISTIAN SCHOOL	OHIO	06-19-87
DIVINE REDEEMER SCHOOL	COLORADO	05-04-87
EPISCOPAL HIGH SCHOOL	VIRGINIA	04-29-87
EUREKA CHRISTIAN SCHOOL	CALIFORNIA	05-12-87
FAITH CHRISTIAN SCHOOL	MICHIGAN	05-08-87
FAITH MENNONITE HIGH SCHOOL	PENNSYLVANIA	05-08-87
FALLON SEVENTH-DAY ADVENTIST CHURCH SCHOOL	NEVADA	04-28-87
FELLOWSHIP BAPTIST CHURCH	VIRGINIA	05-06-87
FLUSHING CHRISTIAN DAY SCHOOL	NEW YORK	05-19-87
FOREST LAKE CHRISTIAN SCHOOL	CALIFORNIA	05-06-87
FRANKLIN ACADEMY	ALABAMA	04-28-87
GRACE CHRISTIAN ACADEMY SCHOOL DISTRICT #5	SOUTH CAROLINA	04-29-87
HEPHZIBAH WESLEYAN ACADEMY	GEORGIA	04-28-87
HIGH POINT ACADEMY	CALIFORNIA	04-29-87
HOLY CROSS SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-15-87
HOLY CROSS LUTHERAN SCHOOL	KANSAS	05-13-87

HOLY FAMILY ELEMENTARY (PORTLAND ARCHDIOCESE)	OREGON	06-24-87
HOLY FAMILY SCHOOL	OHIO	04-30-87
HOLY NATIVITY EPISCOPAL GRADE SCHOOL	FLORIDA	05-08-87
HOLY TRINITY SCHOOL PORTLAND ARCHDIOCESE BEAVERTON SCH DIST	OREGON	06-16-87
HOUSE OF THE LORD CHRISTIAN SCHOOL	TEXAS	05-22-87
IMMACULATE CONCEPTION SCHOOL, ARCHDIOCESE OF WASHINGTON	DC	06-17-87
IMMANUEL LUTHERAN SCHOOL	MICHIGAN	05-19-87
JESUIT HIGH SCHOOL	OREGON	06-11-87
KENNEBEC VALLEY CHRISTIAN SCHOOL	MAINE	05-10-87
KINGSTON KORNER SCHOOL	TENNESSEE	05-06-87
KIRKSVILLE BIBLE SCHOOL	MISSOURI	04-30-87
KNOXVILLE YOUNG SET SCHOOL	TENNESSEE	05-06-87
KRALLTOWN MENNONITE SCHOOL	PENNSYLVANIA	05-20-87
LA PAZ SCHOOL	CALIFORNIA	04-27-87
LAN-CHESTER CHRISTIAN SCHOOLS	PENNSYLVANIA	04-29-87
LANDON SCHOOL CORPORATION	MARYLAND	05-07-87
LITTLE RED SCHOOLHOUSE	TENNESSEE	05-06-87

MADELEINE SCHOOL	OREGON	06-12-87
MARANATHA CHRISTIAN SCHOOL	OHIO	05-01-87
MARIST HIGH SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-15-87
MOUNTAIN HOME S.D.A. SCHOOL	ARIZONA	05-11-87
MT. CALVARY LUTHERAN SCHOOL	MICHIGAN	06-16-87
NEW COVENANT CHRISTIAN SCHOOL	PENNSYLVANIA	04-29-87
NORWOOD-FONTBONNE ACADEMY	PENNSYLVANIA	04-28-87
O'HARA CATHOLIC SCHOOL	OREGON	06-17-87
OLD BRETHREN CHRISTIAN SCHOOL	INDIANA	06-22-87
OUR LADY OF FATIMA SCHOOL	ALABAMA	04-27-87
OUR LADY OF SORROWS SCHOOL	OREGON	06-12-87
OUR LADY OF THE LAKE SCHOOL	OREGON	06-12-87
OUR SAVIOR LUTHERAN SCHOOL	ARIZONA	05-07-87
OUR SAVIOR LUTHERAN SCHOOL	ILLINOIS	06-04-87
OZARK CHRISTIAN ACADEMY – SPRINGDALE	ARIZONA	05-09-87
PANTEGO CHRISTIAN ACADEMY	TEXAS	04-28-87
PARADISE CHRISTIAN SCHOOL	NEW MEXICO	04-30-87
PARADISE CHRISTIAN SCHOOL	CALIFORNIA	04-29-87
PERRINE BAPTIST ACADEMY	FLORIDA	05-20-87
PIONEER CHRISTIAN ACADEMY	TENNESSEE	05-13-87

PORCUPINE SCHOOL	ALASKA	05-01-87
PRINCE AVENUE BAPTIST CHRISTIAN SCHOOL	GEORGIA	04-29-87
REGIS HIGH SCHOOL (ARCHDIOCESE OF PORTLAND)	OREGON	06-15-87
ROSE HILL CHRISTIAN SCHOOL	KENTUCKY	04-28-87
SACRED HEART SCHOOL	OREGON	06-15-87
SACRED HEART SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-19-87
SCHOOL OF ST. PETER	MINNESOTA	05-05-87
SOUTHERN TIER SEVENTH-DAY ADVENTIST SCHOOL	NEW YORK	05-05-87
SOUTHWESTERN CHRISTIAN SCHOOL	CALIFORNIA	05-08-87
ST. AGATHA SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-16-87
ST. ANTHONY SCHOOL SCHOOL	OREGON	04-27-87
ST. ANTHONY SCHOOL 23J	OREGON	06-12-87
ST. AUGUSTINE SCHOOL, BARBERTON SCHOOL DISTRICT	OHIO	04-28-87
ST. CATHERINE OF SIENA SCHOOL	ILLINOIS	06-05-87
ST. CHARLES BORROMEO SCHOOL	WISCONSIN	05-11-87
ST. CLARE SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-20-87
ST. ELIZABETH SETON	FLORIDA	06-16-87
ST. FRANCIS OF ASSISI SCHOOL	OREGON	06-12-87

ST. FRANCIS OF ASSISI SCHOOL	OREGON	06-16-87
ST. IGNATIUS SCHOOL	OREGON	06-12-87
ST. ISADORE ELEMENTARY SCHOOL -- EAST BATON ROUGE PARISH	LOUISIANA	04-29-87
ST. JOHN FISHER SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON	06-15-87
ST. JOHN'S EPISCOPAL SCHOOL	TEXAS	05-12-87
ST. JOHN'S LUTHERAN SCHOOL	ILLINOIS	05-01-87
ST. JOSEPH SCHOOL	MICHIGAN	04-29-87
ST. JOSEPH SCHOOL	WISCONSIN	06-03-87
ST. JOSEPH SCHOOL – ROSEBURG DISTRICT #4	OREGON	06-15-87
ST. JOSEPH'S SCHOOL	FLORIDA	05-05-87
ST. JOSEPH'S EPISCOPAL SCHOOL – DIOCESE OF SOUTHEAST FLORIDA	FLORIDA	05-05-87
ST. LUKE'S EPISCOPAL DAY CHURCH	ARIZONA	04-28-87
ST. LUKE'S SCHOOL	OREGON	06-12-87
ST. MARK LUTHERAN SCHOOL	NEBRASKA	06-04-87
ST. MARTIN'S ACADEMY ACADEMY	SOUTH DAKOTA	06-18-87
ST. MARY CATHOLIC SCHOOL	PENNSYLVANIA	05-22-87
ST. MARY OF THE VALLEY GRADE SCHOOL	OREGON	06-12-87

ST. MARY OF THE VALLEY HIGH SCHOOL	OREGON 06-15-87
ST. MARY SCHOOL	WISCONSIN 05-06-87
ST. MARY'S ACADEMY	OREGON 06-17-87
ST. MARY'S HIGH SCHOOL	OREGON 06-12-87
ST. MARY'S SCHOOL	OREGON 06-12-87
ST. MATTHEW'S SCHOOL, ARCHDIOCESE OF PORTLAND	OREGON 06-20-87
ST. PAUL CATHOLIC SCHOOL 4J	OREGON 07-01-87
ST. PAUL LUTHERAN CHURCH AND SCHOOL	WISCONSIN 05-11-87
ST. PAUL LUTHERAN SCHOOL	SOUTH DAKOTA 05-29-87
ST. PAUL PAROCHIAL SCHOOL	OREGON 06-16-87
ST. PAUL'S LUTHERAN CHURCH	OHIO 06-11-87
ST. PIUS IV CATHOLIC SCHOOL	FLORIDA 04-29-87
ST. PIUS X SCHOOL PORTLAND CATHOLIC ARCHDIOCESE	OREGON 06-22-87
ST. STEPHEN'S ELEMENTARY SCHOOL	OREGON 06-16-87
ST. SYLVESTER CENTRAL GRADE SCHOOL	OHIO 05-05-87
ST. TERESA SCHOOL	MISSOURI 04-29-87
ST. THERESE SCHOOL	OREGON 06-12-87
ST. VINCENT ACADEMY	NEW JERSEY 06-19-87

ST. VINCENT de PAUL SCHOOL	OREGON	06-12-87
STAR OF THE SEA SCHOOL	OREGON	06-12-87
THE LIVING WORD CHRISTIAN SCHOOL INC	COLORADO	06-11-87
THE SCHOOL AT JEMICY FARM, INC.	MARYLAND	06-03-87
THE VALLEY CHRISTIAN SCHOOL, INC.	MASSACHUSETTS	05-13-87
UNIVERSITY SCHOOL OF NASHVILLE	TENNESSEE	05-05-87
UPWARD S.D.A. SCHOOL	NORTH CAROLINA	05-12-87
VISITATION SCHOOL	OREGON	06-12-87
WASHINGTON AVENUE CHRISTIAN SCHOOL	SOUTH CAROLINA	05-27-87
WEST VALLEY CHRISTIAN ELEMENTARY SCHOOL	ARIZONA	05-07-87
WEST VALLEY NAZARENE CHURCH		05-07-87
WILLOW RANCHO CHRISTIAN PRESCHOOL AND ELEMENTARY SCHOOL	CALIFORNIA	04-29-87
ZION LUTHERAN SCHOOL	ILLINOIS	05-05-87

EXHIBIT "D"

July 15, 1987

Asbestos School Litigation

ALL PUBLIC SCHOOLS, ALPHABETICALLY

AIRPORT COMMUNITY SCHOOLS	MICHIGAN	06-22-87
AJO UNIFIED SCHOOL DISTRICT #15	ARIZONA	04-27-87
AKRON CITY SCHOOL DISTRICT	OHIO	06-03-87
ALBION PUBLIC SCHOOLS, CALHOUN & JACKSON COUNTIES	MICHIGAN	06-18-87
ALGONAC COMMUNITY SCHOOLS	MICHIGAN	06-18-87
ALLEN PARK PUBLIC SCHOOLS	MICHIGAN	06-22-87
ALMONT COMMUNITY SCHOOLS	MICHIGAN	06-22-87
ALTON COMMUNITY UNIT DISTRICT #11	ILLINOIS	06-22-87
ANN ARBOR PUBLIC SCHOOLS	MICHIGAN	06-16-87
ARKANSAS CITY UNIFIED SCHOOL DISTRICT 470	KANSAS	06-11-87
ARLINGTON HEIGHTS SCHOOL DISTRICT #25	ILLINOIS	06-22-87
ATHERTON COMMUNITY SCHOOLS	MICHIGAN	06-22-87
ATKINSON COUNTY SCHOOL SYSTEM	GEORGIA	05-06-87
ATTALLA CITY SCHOOLS	ALABAMA	05-29-87
AURORA EAST PUBLIC SCHOOL DISTRICT #131	ILLINOIS	06-22-87

AUSTWELL-TIVOLI INDEPENDENT SCHOOL DISTRICT	TEXAS	05-22-87
AVONDALE SCHOOL DISTRICT	MICHIGAN	06-18-87
BACKUS SCHOOLS – INDEPENDENT SCHOOL DISTRICT #114	MINNESOTA	05-04-87
BAD AXE PUBLIC SCHOOLS	MICHIGAN	06-18-87
BAGDAD UNIFIED SCHOOL DISTRICT #20	ARIZONA	04-28-87
BANGOR PUBLIC SCHOOLS	MICHIGAN	06-18-87
BEDFORD PUBLIC SCHOOLS	MICHIGAN	06-22-87
BEECHER COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
BENTON HARBOR AREA SCHOOLS	MICHIGAN	06-22-87
BISHOP C.I.S.D.	TEXAS	05-07-87
BLOOMFIELD HILLS SCHOOL DISTRICT	MICHIGAN	06-16-87
BLUE SKY SCHOOLS	MONTANA	05-08-87
BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY	MARYLAND	06-18-87
BOARD OF EDUCATION OF BALTIMORE COUNTY	MARYLAND	06-18-87
BOARD OF EDUCATION OF THE CITY OF CHICAGO	ILLINOIS	06-22-87
BOARD OF EDUCATION OF TOWNSHIP HIGH SCHOOL DISTRICT NO. 211	ILLINOIS	06-18-87
BOND COUNTY COMMUNITY UNIT SCHOOL DISTRICT #2	ILLINOIS	05-29-87

BOULDER JUNCTION, ET AL, SCHOOL DISTRICT	WISCONSIN	04-29-87
BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	TEXAS	05-22-87
BRIDGEPORT-SPAULDING COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
BRISTOW I-2, CREEK COUNTY, OKLA.	OKLAHOMA	04-27-87
BRITTAN ELEMENTARY SCHOOL BRITTAN SCHOOL DISTRICT	CALIFORNIA	04-28-87
BROOKSIDE SCHOOL	MICHIGAN	06-18-87
BUCHANAN COMMUNITY SCHOOLS	MICHIGAN	06-18-87
CALEDONIA COMMUNITY SCHOOLS	MICHIGAN	06-18-87
CHARLESTON COUNTY SCHOOL DISTRICT	SOUTH CAROLINA	06-03-87
CHARLOTTE PUBLIC SCHOOLS	MICHIGAN	06-18-87
CHEBOYGAN AREA SCHOOLS	MICHIGAN	06-18-87
CHUGACH SCHOOL DISTRICT	ALASKA	04-24-87
CINCINNATI BOARD OF EDUCATION	OHIO	06-19-87
CLARENCEVILLE SCHOOL DISTRICT	MICHIGAN	06-20-87
CLEAR FORK VALLEY LOCAL SCHOOLS	OHIO	05-29-87
COLO COMMUNITY SCHOOL	IOWA	04-29-87
COLOMA COMMUNITY SCHOOLS	MICHIGAN	06-18-87
COLORADO CITY UNIFIED SCHOOL DISTRICT NO. 14	ARIZONA	07-11-87

COMMUNITY CONSOLIDATED SCHOOL DISTRICT #21	ILLINOIS	06-22-87
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 15 PALLATINE	ILLINOIS	06-22-87
COMMUNITY CONSOLIDATED SCHOOL DISTRICT 65	ILLINOIS	05-28-87
COMMUNITY HIGH SCHOOL DISTRICT #218 OAK LAWN	ILLINOIS	06-22-87
COMSTOCK PUBLIC SCHOOLS	MICHIGAN	06-18-87
CONSOLIDATED HIGH SCHOOL DISTRICT #230 PALOS HILLS	ILLINOIS	06-22-87
CONTINENTAL SCHOOL DISTRICT #39	ARIZONA	05-01-87
COOK COUNTY SCHOOL DISTRICT #130	ILLINOIS	06-22-87
CRANBROOK EDUCATIONAL COMMUNITY	MICHIGAN	06-18-87
CRANBROOK KINGSWOOD SCHOOL	MICHIGAN	06-18-87
CRANBROOK SCHOOL	MICHIGAN	06-18-87
CRANBROOK SCHOOLS	MICHIGAN	06-18-87
CRAWFORDSVILLE SCHOOL DISTRICT	ARKANSAS	04-27-87
CYPRESS FAIRBANKS INDEPENDENT SCHOOL DISTRICT	TEXAS	05-22-87
DAVIESS COUNTY PUBLIC SCHOOLS	KENTUCKY	06-03-87
DAVIS PUBLIC SCHOOLS 1-10	OKLAHOMA	04-29-87

DAVISON COMMUNITY SCHOOLS	MICHIGAN	06-18-87
DEKALB UNIT DISTRICT #428	ILLINOIS	06-22-87
DELL RAPIDS SCHOOL DISTRICT 49-3	SOUTH DAKOTA	04-27-87
DEPARTMENT OF EDUCATION OF THE CITY OF BALTIMORE	MARYLAND	06-18-87
DETROIT PUBLIC SCHOOLS	MICHIGAN	06-16-87
DIMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL	MICHIGAN	05-18-87
DOWAGIAC UNION SCHOOL DISTRICT	MICHIGAN	06-18-87
DOWAGIAC UNION SCHOOLS	MICHIGAN	06-22-87
DOWNERS GROVE DISTRICT #99	ILLINOIS	06-22-87
DOWNERS GROVE ELEMENTARY SCHOOL DISTRICT #58	ILLINOIS	06-22-87
DURAND AREA SCHOOLS	MICHIGAN	06-18-87
EASTERN LANCASTER COUNTY SCHOOL DISTRICT	PENNSYLVANIA	06-02-87
ELMHURST UNIT DISTRICT #205	ILLINOIS	06-22-87
EVANSTON TOWNSHIP HIGH SCHOOL DISTRICT #202	ILLINOIS	06-22-87
EVERGREEN PARK SCHOOL DISTRICT #124	ILLINOIS	06-22-87
FAIRMOUNT PUBLIC SCHOOL	NORTH DAKOTA	04-27-87
FENTON AREA PUBLIC SCHOOLS	MICHIGAN	06-22-87

FOREST HILLS SCHOOL DISTRICT	MICHIGAN	06-19-87
FORT KNOX COMMUNITY SCHOOLS	KENTUCKY	06-23-87
GLEN ROCK PUBLIC SCHOOLS	NEW JERSEY	05-20-87
GLENVIEW COMMUNITY CONSOLIDATED SCHOOL DISTRICT #34	ILLINOIS	06-22-87
GLENWOOD COMMUNITY SCHOOL DISTRICT	IOWA	05-11-87
GORDON COUNTY SCHOOL SYSTEM	GEORGIA	06-02-87
GORE SCHOOL DISTRICT	OREGON	05-18-87
GRAND BLANC COMMUNITY SCHOOLS	MICHIGAN	06-22-87
GRAND LEDGE PUBLIC SCHOOLS	MICHIGAN	06-18-87
GRANDVIEW R-2 SCHOOL DISTRICT	MISSOURI	04-30-87
GRANDVIEW-HOPKINS ISD	TEXAS	04-28-87
GREATER FALL RIVER VOCATIONAL SCHOOL DISTRICT	MASSACHUSETTS	05-18-87
HACKBERRY ELEMENATRY SCHOOL DISTRICT #3	ARIZONA	05-19-87
HAMMON PUBLIC SCHOOL DISTRICT II-66	OKLAHOMA	04-27-87
HARPER SCHOOL DISTRICT #66	OREGON	05-12-87
HAWLEY INDEPENDENT SCHOOL DISTRICT	TEXAS	05-18-87
HOLT PUBLIC SCHOOLS	MICHIGAN	06-18-87
HOLTON PUBLIC SCHOOLS	MICHIGAN	06-18-87

HOMER COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
IDA PUBLIC SCHOOLS	MICHIGAN	06-22-87
INDEPENDENT SCHOOL DISTRICT #16	MINNESOTA	05-08-87
INDEPENDENT SCHOOL DISTRICT NO. 622	MINNESOTA	06-17-87
J. STERLING MORTON HIGH SCHOOL	ILLINOIS	06-16-87
JACKSON SCHOOL DISTRICT #324	MINNESOTA	05-29-87
JOLIET ELEMENTARY SCHOOL DISTRICT #86	ILLINOIS	06-22-87
KEARSLEY COMMUNITY SCHOOLS	MICHIGAN	06-22-87
KINGSWOOD SCHOOL FOR GIRLS	MICHIGAN	06-18-87
LAFAYETTE COUNTY SCHOOL DISTRICT	MISSISSIPPI	05-05-87
LAKE FENTON COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LAKE FOREST ELEMENTARY DISTRICT #67	ILLINOIS	06-22-87
LAKE MILLS AREA SCHOOLS	WISCONSIN	04-28-87
LAKE ORION COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LAKESHORE PUBLIC SCHOOLS	MICHIGAN	06-18-87
LAKEVILLE COMMUNITY SCHOOLS	MICHIGAN	06-22-87
LANSING COMMUNITY SCHOOLS	MICHIGAN	06-16-87
LANSING PUBLIC SCHOOL	MICHIGAN	06-19-87
LE SUEUR PUBLIC SCHOOLS	MINNESOTA	05-20-87
LENAWEE INTERMEDIATE SCHOOL DISTRICT	MICHIGAN	06-18-87

LINDEN COMMUNITY SCHOOLS	MICHIGAN 06-22-87
LITTLESTOWN AREA SCHOOL DISTRICT	PENNSYLVANIA 06-16-87
LONG LAKE CENTRAL SCHOOL DISTRICT	NEW YORK 05-01-87
LORRAINE UNIFIED SCHOOL DISTRICT #328	KANSAS 05-06-87
LOS GATOS-SARATOGA JOINT UNION HIGH SCHOOL DISTRICT	CALIFORNIA 06-17-87
LOWELL AREA SCHOOLS 41-170	MICHIGAN 05-15-87
LOWNDES COUNTY BOARD OF EDUCATION	GEORGIA 05-11-87
MADISON DISTRICT PUBLIC SCHOOLS	MICHIGAN 06-18-87
MANCELONA PUBLIC SCHOOL	MICHIGAN 06-18-87
MARENGO COUNTY BOARD OF EDUCATION	ALABAMA 05-13-87
MARIAN CITY SCHOOLS	OHIO 05-08-87
MARION CITY BOARD OF EDUCATION	ALABAMA 04-29-87
MARSHALL PUBLIC SCHOOLS	MICHIGAN 06-18-87
MASON PUBLIC SCHOOLS	MICHIGAN 06-18-87
MEDINAH ELEMENTARY SCHOOL DISTRICT #11	ILLINOIS 06-19-87
MEMPHIS UNIVERSITY SCHOOL	TENNESSEE 05-05-87
MIDDLE TOWNSHIP PUBLIC SCHOOLS	NEW JERSEY 06-23-87
MIDDLETOWN CITY SCHOOL DISTRICT	OHIO 05-08-87
MIDLAND SCHOOL DISTRICT 27-2	SOUTH DAKOTA 04-29-87

MILLINGTON COMMUNITY SCHOOL DISTRICT	MICHIGAN	06-18-87
MONROE PUBLIC SCHOOLS	MICHIGAN	06-22-87
MORENCI AREA SCHOOLS	MICHIGAN	06-18-87
NEDERLAND INDEPENDENT SCHOOL DISTRICT	TEXAS	05-06-87
NEELYVILLE R-4 SCHOOL DISTRICT	MISSOURI	05-29-87
NIXON SMILEY C.I.S.D.	TEXAS	05-05-87
NORTH CHICAGO ELEMENTARY SCHOOL DISTRICT #124	ILLINOIS	06-22-87
NORTH KANSAS CITY SCHOOL DISTRICT 74	MISSOURI	06-11-87
NORTH MIAMI COMMUNITY SCHOOLS	INDIANA	06-11-87
NORTHFIELD TOWNSHIP HIGH SCHOOL DISTRICT #225	ILLINOIS	06-22-87
OAK PARK RIVER FOREST SCHOOL DISTRICT 200	ILLINOIS	06-22-87
OAK PARK SCHOOL DISTRICT	MICHIGAN	06-16-87
OKEMOS PUBLIC SCHOOLS	MICHIGAN	06-18-87
ORANGE SOUTHWEST SUPERVISORY UNION	VERMONT	04-28-87
PARK RIVER SCHOOL DISTRICT #78	NORTH DAKOTA	04-28-87
PARKERSBURG COMMUNITY SCHOOL DISTRICT	IOWA	04-29-87
PARKIN SCHOOL DISTRICT	ARKANSAS	05-04-87
PENNFIELD SCHOOLS	MICHIGAN	06-18-87

PIKE COUNTY BOARD OF EDUCATION	KENTUCKY	04-30-87
PIKELAND COMMUNITY UNIT SCHOOL DISTRICT #10	ILLINOIS	05-26-87
PLACER HILLS UNION SCHOOL DISTRICT	CALIFORNIA	05-13-87
PLAINFIELD COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 202	ILLINOIS	06-24-87
POMERENE ELEMENTARY SCHOOL DISTRICT #64	ARIZONA	04-29-87
PONTOTOC SEPARATE SCHOOL DIST	MISSISSIPPI	07-08-87
PORTAGE COMMUNITY SCHOOL DISTRICT	WISCONSIN	06-03-87
POTTAWATOMIE WEST UNIFIED SCHOOL DISTRICT #323	KANSAS	05-18-87
POUGHKEEPSIE SDA SCHOOL	NEW YORK	05-07-87
QUANTICO DEPENDENTS' SCHOOL SYSTEM	VIRGINIA	06-22-87
RANDOLPH FIELD INDEPENDENT SCHOOL DISTRICT	TEXAS	05-13-87
RED BANK REGIONAL HIGH SCHOOL	NEW JERSEY	05-05-87
REETHS-PUFFER SCHOOLS	MICHIGAN	06-18-87
ROEPER CITY & COUNTRY SCHOOL	MICHIGAN	06-16-87
RUSSELLVILLE CITY SCHOOLS	KENTUCKY	05-13-87
SAGINAW TOWNSHIP COMMUNITY SCHOOLS	MICHIGAN	06-18-87
SAND CREEK COMMUNITY SCHOOLS	MICHIGAN	06-18-87
SANDUSKY COMMUNITY SCHOOLS	MICHIGAN	06-18-87

SCHOOL CITY OF HOBART	INDIANA 05-14-87
SCHOOL DISTRICT OF THE CITY OF ADRIAN	MICHIGAN 06-18-87
SCHOOL DISTRICT OF THE CITY OF EAST DETROIT	MICHIGAN 06-19-87
SCHOOL DISTRICT OF THE CITY OF FERNDALE	MICHIGAN 06-16-87
SCHOOL DISTRICT OF THE CITY OF FLINT	MICHIGAN 06-16-87
SCHOOL DISTRICT OF THE CITY OF ROYAL OAK	MICHIGAN 06-16-87
SCHOOL DISTRICT OF THE CITY OF SAGINAW	MICHIGAN 06-16-87
SKOKIE SCHOOL DISTRICT #69	ILLINOIS 06-22-87
SMITHTON COMMUNITY CONSOLIDATED SCHOOL DISTRICT #130	ILLINOIS 05-21-87
SOUTH HADLEY PUBLIC SCHOOLS	MASSACHUSETTS 05-14-87
SOUTH HAVEN PUBLIC SCHOOLS	MICHIGAN 06-10-87
SOUTH TAMA COUNTY COMMUNITY SCHOOL DISTRICT	IOWA 04-28-87
SOUTHBRIDGE PUBLIC SCHOOLS	MASSACHUSETTS 05-06-87
ST. CHARLES PARISH PUBLIC SCHOOLS	LOUISIANA 05-13-87
ST. JOHNS PUBLIC SCHOOLS	MICHIGAN 06-18-87
ST. JOSEPH PUBLIC SCHOOLS	MICHIGAN 06-18-87
ST. LOUIS PUBLIC SCHOOLS	MICHIGAN 06-18-87
STARKWEATHER SCHOOL DISTRICT	NORTH DAKOTA 04-28-87

SUSSEX COUNTY VOCATIONAL HIGH SCHOOL DISTRICT	NEW JERSEY	05-13-87
TEAGUE INDEPENDENT SCHOOL DISTRICT	TEXAS	04-27-87
TEUTOPOLIS COMMUNITY UNIT DISTRICT 50	ILLINOIS	05-11-87
THE BOARD OF EDUCATION OF THE CITY SCH DIST. OF THE CITY OF N.Y.	NEW YORK	06-17-87
THE CITY OF BOSTON, THE BOSTON SCHOOL COMMITTEE, ET AL	MASSACHUSETTS	06-22-87
THE LAMPHERE SCHOOLS	MICHIGAN	06-24-87
THE SCHOOL DISTRICT OF KANSAS CITY, MISSOURI	MISSOURI	06-18-87
THE STANFORD SCHOOL	WASHINGTON	05-06-87
THREE RIVERS COMMUNITY SCHOOLS	MICHIGAN	06-18-87
TINLEY PARK CONSOLIDATED SCHOOL DISTRICT #146	ILLINOIS	06-22-87
TIPTON COMMUNITY SCHOOL	IOWA	04-27-87
TOWNSHIP HIGH SCHOOL DISTRICT 214	ILLINOIS	06-15-87
TRAVERSE CITY AREA PUBLIC SCHOOLS	MICHIGAN	06-16-87
TRI-COUNTY SCHOOL CORPORATION OF BENTON, JASPER & WHITE COUNTIES	INDIANA	06-22-87

UNIFIED SCHOOL DISTRICT NO 501, SHAWNEE COUNTY	KANSAS	06-18-87
UNION PUBLIC SCHOOLS	OKLAHOMA	06-11-87
UNITED COMMUNITY SCHOOL DISTRICT	IOWA	05-06-87
UTICA COMMUNITY SCHOOLS	MICHIGAN	06-18-87
VAN BUREN COMMUNITY SCHOOLS	MICHIGAN	06-22-87
VAN BUREN PUBLIC SCHOOLS	MICHIGAN	06-19-87
WACKEGAN COMMUNITY UNIT DISTRICT #60	ILLINOIS	06-22-87
WARREN CONSOLIDATED SCHOOLS	MICHIGAN	06-18-87
WATERLOO COMMUNITY SCHOOLS	IOWA	05-05-87
WATERLOO LOCAL SCHOOLS	OHIO	05-11-87
WEST BLOOMFIELD SCHOOLS	MICHIGAN	06-22-87
WOODSTOCK COMMUNITY UNIT SCHOOL DISTRICT #200	ILLINOIS	06-22-87
WYOMING PUBLIC SCHOOLS	MICHIGAN	06-18-87
ZEELAND PUBLIC SCHOOLS	MICHIGAN	05-12-87

EXHIBIT "E"

SETTLEMENT NOTICES UNDELIVERABLE BY U.S. POSTAL SERVICE

SCHOOL	ORIGINAL ADDRESS
Anson Christian Academy	PO Box 416 Wadesboro, NC 28170
Applecrest Christian School	675 W. 68th St. Hialeah, FL 33014
Baptist Academy	17300 Chandler Park DR Detroit, MI 48224
Bay Community School	PO Box 172 Brookhaven, NY 11719
Bean Stalk Child Care Center	15100 Plymouth Rd. Detroit, MI 48227
Cardinal O'Hara High School	Eagle & Springfield Rds. Springfield, PA 19064
Colonial Hills Academy of Arts	525 Taylor Rd. Greenville, SC 29609
Community Christian School	PO Box 973 Sapulpa, OK 74067
Creative Academy of Learning	120 S. 3rd Ave. Arcadia, CA 91006
Dearborn Heights Mont. School	225 Richardson Ave. Dearborn Hts, MI 48127
Faith Christian Academy	254 W. Indian Rock Rd. Vista, CA 92083
Faith Christian School	213 Oak St. Fruitport, MI 49415
Faith Christian School	PO Box 346 St. Albans, WV 25177
Farmdale Christian School	6501 Vandre Ave. Louisville, KY 40228
First Steps Discovery Center	PO Box 4 East Setauket, NY 11733

Grace and Truth Chrn School	5 Manston Manor Bear, DE 19701
Graegle Community Chrn School	PO Box 67 Blairsden, CA 96103
House Christian School	1515 S. 71st East Ave. Tulsa, OK 74112
Island Paradise School	135 N. Kukui Street Honolulu, HI 96817
Jacksonville Parochial School	846 Cookstown Rd. Myerstown, PA 17067
Liberty Canyon Chrn. School	5699 Kanan Rd. #202 Agoura, CA 91301
Little Lake Christian School	70 E. San Francisco Ave. Willits, CA 95490
Macon SDA School	Northern Heights Rd. Macon, MO 63552
New Life Christian Academy	6863 S. Congress Ave. Lake Worth, FL 33462
Nogales SDA School	PO Box 1465 Nagales, AZ 85628
North Lauderdale Chrn. School	6002 Kimberly Blvd. Pompano Beach, FL 33068
Pacific Prep School	32221 Camino Capistrano Sn Jn Cpstrno, CA 92675
Palisades Village School	1701 Wilshire Blvd. Santa Monica, CA 90403
Quest Ctr. for Creative Studies	13741 E. Rice Place Aurora, CO 80015
Rebul Academy	Gen. Delivery-Learned Jackson, MS 39216
Rolling Bay School	PO Box 4791 Rolling Bay, WA 98061
St. Kevin School	Sproul Rd.-Thompson Ave. Springfield, PA 19064

St. Paul Luthern School	PO Box 514 Brooklyn, NY 11211
Springfield Local Sch. Dist.	2960 Sanitarium Rd. Brunswick, OH 44212
SS Peter and Paul School	25 North Ellsworth Naperville, IL 60540
Stafford Hills Chrn. School	2315 SW Newland Rd. Tualatin, OR 97062
Stuyvesant Private School	118 E. 19th Street New York, NY 10003
The Word School	1033 Oakdale Ave. West St. Paul, MN 55118
Trikeset School	24812 Military Rd. South Kent, WA 98032
Valley Assembly of God School	RT 1, Box 24 Parker, AZ 85344
Villarreal Academy	90 W. 11th St. Hialeah, FL 33010
Wings Elementary School	107 Willow Drive Waukegan, IL 60087
Winyah Academy	PO Box C Georgetown, SC 29442

EXHIBIT "F"

July 15, 1987

Asbestos School Litigation

SCHEDULE OF OPT-OUTS POSTMARKED AFTER JUNE 22, 1987

COLORADO CITY UNIFIED SCHOOL DISTRICT NO. 14	ARIZONA	07-11-87
FORT KNOX COMMUNITY SCHOOLS	KENTUCKY	06-23-87
HOLY FAMILY ELEMENTARY (PORTLAND ARCHDIOCESE)	OREGON	06-24-87
MIDDLE TOWNSHIP PUBLIC SCHOOLS	NEW JERSEY	06-23-87
PLAINFIELD COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 202	ILLINOIS	06-24-87
THE LAMPHERE SCHOOLS	MICHIGAN	06-24-87
PONTOTOC SEPARATE SCHOOL DIST.	MISSISSIPPI	07-08-87
ST. PAUL CATHOLIC SCHOOL 4J	OREGON	07-01-87

* * * *

THE COURT: Thank you.

I think I have a couple more, Mr. Berger, in the wings there.

Mr. Waxman.

MR. WAXMAN: Your honor, I'm going to anticipate Dave for a moment. In a recent memorandum that was filed with the Court from Mr. Berger, Exhibit F, listed eight school districts or schools that opted-out but whose request for exclusion forms were post-marked after the June 22nd deadline.

Our independent investigation of the responses also indicate that there are a handful of additional exclusion requests which are subject to challenge on timeliness ground.

I conferred with my client and my colleagues, I conferred with Counsel for Owens-Illinois, I discussed this matter with Mr. Berger. It is our view, Your Honor, that any school or school district that evidenced a desire to opt-out of this settlement class, by virtue of sending back a form should be permitted to do so. And that we do not wish, if it is acceptable to Your Honor, to mount a challenge based upon timeliness because there may have been circumstances beyond the control of the administrators or perhaps within the Postal Department which caused these problems. We don't feel that this very, very small number of suspect requests for exclusions justifies the type of hearings and delay that would be engendered. We would prefer, again with Your Honor's consent, that these school districts be permitted to opt-out of the class.

MS. ROTHSCHILD: Your Honor, just to clarify, I don't – I know Mr. Waxman refers, we're referring to the eight that were received.

THE COURT: Exhibit F.

MR. WAXMAN: That is correct, Your Honor. And we are not speaking to the future. We're speaking as of

now. Nor do we wish to challenge any that are suspect that have already arrived.

MR. BERGER: On behalf of the Plaintiff class, Your Honor, we acquiesce in that. As our papers say, we did not object. We leave it entirely up to Your Honor.

THE COURT: All right.

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